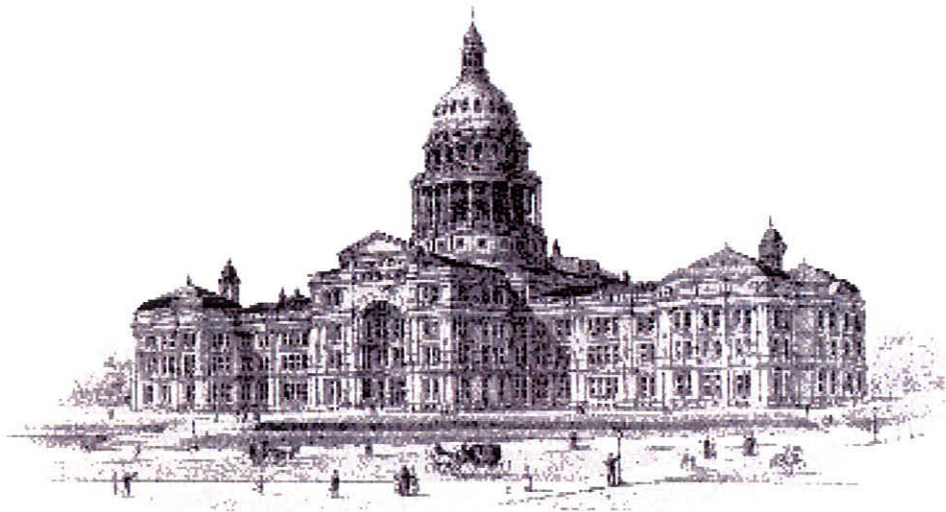




# **The 82nd Legislature, Regular and 1<sup>st</sup> Called Session**

**Cumulative Report**



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**The Texas A&M University System**

**Office of Governmental Relations**

**July 2011**

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# Overview of the 82<sup>nd</sup> Legislative Regular Session

The lead up to the 82<sup>nd</sup> Legislature began with a landslide Republican victory in the November 2010 elections in the Texas House of Representatives. Prior to the 2010 elections, House Republicans held only a four-vote majority over House Democrats. However, riding the wave of national anti-incumbent sentiment, and aided by the Tea Party movement, Republicans won a 99-51 majority. In the days following the election, two House Democrats – Representatives Alan Ritter (R – Nederland) and Aaron Peña (R – Edinburg) – switched to the Republican Party, creating a 101-49 supermajority and further cementing the election night gains.

Immediately after the election there was an effort to replace Representative Joe Straus (R – San Antonio) as Speaker of the House. Traditionally, the Speaker's race is tightly conducted within the membership of the House, with little involvement of outside groups. However, after a contentious two months following the election, two House Republicans running for Speaker against Straus, Representatives Warren Chisum (R – Pampa) and Ken Paxton (R – McKinney), withdrew their candidacies immediately before the election. Somewhat anti-climatically Representative Joe Straus was re-elected to his second term as Speaker of the Texas House by a vote of 134-15.

Governor Rick Perry designated as "emergency" items for the 82<sup>nd</sup> Legislature abolishing sanctuary cities, requiring photo identification in order to vote, strengthening property rights through changes to eminent domain laws, urging the U.S. Congress to pass a balanced budget amendment, and requiring a sonogram before a woman elects to have an abortion. Absent the Governor's designation, the Constitution provides that legislation may not be taken up during the first 60 days of a regular session.

Almost from the day the 81<sup>st</sup> Session ended it was apparent that the budget would be the dominant issue in the 82<sup>nd</sup>. As expected, Legislators entered the 82<sup>nd</sup> Session with a record shortfall estimated as high as \$27 billion that would be needed to maintain current services. The national economic downturn led to a 14-month decline in the state's sales tax revenue, and changes made to the tax system in 2006 created what some budget experts referred to as a "structural" budget deficit. State leaders ordered state agencies and institutions of higher education to reduced budgets twice during the interim and submit 2012-13 budget requests five percent below the from 2010-11 appropriated levels. In addition, the 81<sup>st</sup> Legislature had benefited from \$12.1 billion in "one-time" federal ARRA "stimulus" funds. (Note: see the *Appropriations* section of this report for more detailed information relating to the state budget shortfall.)

In addition to the 2012-13 budget issue, legislators also had to address a nearly \$4 billion funding shortfall in the current 2010-2011 biennium. With an estimated \$9.4 billion Rainy Day Fund the House and Senate agreed to use \$3.2 billion from the Fund, along with \$1.7 billion in spending reductions and an additional \$300 million in revenue later found by the Comptroller to assist in balancing the FY 2010-11 budget.

Most members in the Texas House and Governor Perry opposed the use of the Rainy Day Fund to address the 2012-13 budget needs. The House passed its version on a party-line vote, relying solely on spending reductions to balance the budget. In his acceptance speech as President *Pro Tempore* of the Texas Senate, Senate Finance Chairman Steve Ogden (R – Bryan) urged his colleagues to make tough votes not only to pass a budget, but also to repair the business margins tax to address the structural deficit that had led to a perpetual shortfall. Although there was never wide political support to take such bold action, the Finance Committee agreed to utilize about \$2 billion of the Rainy Day Fund for the next biennium. However, negotiations stalled. Ultimately, in order to get the Appropriations bill out, the Senate was forced to remove any use of the Rainy Day Fund from the 2012-13 state budget. As a result, no Democrats agreed to support the budget, and the Senate passed its version of HB 1 on a straight party-line vote, using a parliamentary maneuver to circumvent the two-thirds rule – an uncommon action in the tradition-bound Senate.

In the end, House and Senate budget negotiators forged a compromise largely approving the Senate’s funding choices. The final budget cut a record \$15.2 billion from current spending

## Overview of Issues

### Higher Education Issues

The following summarizes some of the major higher education-related issues of the 82<sup>nd</sup> Regular Session, with special attention given to issues of importance to The Texas A&M University System and its members. These and many other bills will be explained in greater detail in the “Overview of Key Higher Education Legislation” section of this report.

#### Outcomes Based Funding

The Texas Higher Education Coordinating Board (THECB) set forth a proposal prior to the start of the 82<sup>nd</sup> Legislature to distribute a portion of the general academic formula funding based on “outcomes”. The principal outcome variables include total degrees awarded, degrees awarded in certain “STEM” (science, technology, engineering and math) fields, degrees awarded to “at risk” students, and predicted degree completion rates, which are based on certain socio-economic, academic and demographic factors of each institution, rather than solely on enrollment outcomes based funding was one of Governor Perry’s key higher education priorities, as it was for the business community, and Chairman of the House Higher Education Committee Dan Branch (R – Dallas). The THECB had previously been unsuccessful in their attempt to modify the funding formulas to fund institutions based on semester credit hours completed, rather than semester credit hours attempted.

Chairman Branch filed HB 9 – the outcomes-based funding legislation. As originally filed, HB 9 would have directed the THECB to recommend to the legislature a 10 percent carve out of the undergraduate base funding of the general academic universities and distribute it based on these outcome variables. The measure was given a low bill number to signify its importance to the House leadership and was also included in the original House passed version of the budget as another expression of support for the concept.

HB 9 passed the House with overwhelming support. However, the chair of the Senate Higher Education Committee, Senator Judith Zaffirini (D – Laredo), and the Senate sponsor for the legislation, along with several other committee members had concerns about implementing such significant changes to higher education funding amid the impending significant funding reductions; they also expressed the desire for the legislature and institutions to have greater input.

The Conference Committee on HB 9, led by Higher Education Committee Chairs Zaffirini and Branch reached a compromise that included limiting the amount of outcomes-based funding to not more than 10 percent of the formula, and included provisions that any funding changes would not have a negative impact on graduate education, and required the THECB to work with institutions to determine funding recommendations. HB 9 as finally passed also provides that the THECB must study options for outcomes-based funding both inside and outside the base funding formula.

### **Need + Merit Financial Aid**

Another top legislative priority for the THECB this session was adding additional merit components to criteria that are used to award TEXAS Grants, the state’s primary financial aid program. The program was originally based on need – requiring an expected family contribution of not more than \$4,000 per year. Grants are awarded on a first-come, first-served basis, with the only merit component being that of requiring eligible students to graduate under the “recommended” high school program.

Proponents of the “Priority Model,” including both Chairs Branch and Zaffirini, believed adding a college readiness component would increase student success and maximize limited funding. Opponents, including many House Democrats and Senator Rodney Ellis (D – Houston) in particular – the principal author of the legislation creating TEXAS Grants – argued the model could have a disproportionately negative impact on ethnic minorities as well as students from under-performing high schools or educationally disadvantaged homes.

The final vehicle for the priority model became SB 28 by Chairman Zaffirini. The legislation requires applicants for TEXAS Grants to meet two of the following four academic criteria: completion of college-level coursework while enrolled in high school; being ranked in the top one-third of their graduating class or maintaining a B average; completion of an advanced math course; or demonstration of college readiness through a satisfactory score through the Texas Success Initiative. SB 28 also includes language to ease some of the concerns of opponents by requiring after the priority pool has been established at an institution, eligible students with the greatest financial need take precedence in receiving grant awards. In addition, any remaining TEXAS Grant funds will be allocated on a first-come, first-served basis, as is the status quo.

### **Higher Education Report Reduction and Efficiencies**

Higher Education leaders have been seeking legislative authority for several years to reduce duplicative reporting requirements and increase institutional efficiencies and flexibility. In the context of the budget deficit, legislators in the 82<sup>nd</sup> Session sought ways to lessen the impact of cuts to institutions of higher education and state agencies, thus giving traction to report reduction and providing opportunities for increased efficiencies.

SB 5, by Chairman Zaffirini, was the key higher education deregulation legislation. The bill allows institutions to operate in a more efficient, cost effective, and productive manner in the areas of administration and business affairs by amending current law to reduce regulatory and reporting burdens imposed by law, rule, or policy.

Although SB 5 ultimately passed, it became embroiled in the debate over allowing holders of concealed handgun licenses to carry guns on college campuses. After Senator Jeff Wentworth (R – San Antonio) successfully amended the concealed carry language onto SB 5, Chairman Zaffirini withdrew the bill from consideration. It appeared as though she had effectively killed her own legislation. However, days later, Senator Wentworth was successful in amending another bill to include the concealed carry legislation, and he reached an agreement with Chairwoman Zaffirini to remove his concealed carry language from SB 5. The bill then passed the Senate, and ultimately passed the House.

Other bills designed to ease reporting requirements on institutions of higher education also passed in the 82<sup>nd</sup> Legislature, including HB 1781 by Representative Four Price (R – Amarillo) and SB 1179 by Senator Jane Nelson (R – Flower Mound).

### **National Research University Fund**

Passage of a constitutional amendment to create the National Research University Fund (NRUF) was a critical victory for higher education. In November 2009, Texas voters approved the transfer of funds from the former Higher Education Fund (HEF) to create the NRUF, after the 81<sup>st</sup> Texas Legislature passed enabling legislation. Its corpus is expected to make available approximately \$25 million per year for distribution to eligible Emerging Research Universities.

This session, the legislature was tasked with determining a distribution methodology for the NRUF. A number of competing proposals were filed, including HB 1000 by Chairman Branch, SB 557 by Senator Robert Duncan (D – Lubbock), and SB 1365 by Senator Rodney Ellis.

HB 1000, the final NRUF vehicle, creates a distribution formula once an Emerging Research University meets the criteria laid out in HB 51 from the 81<sup>st</sup> Legislature. The formula offers a reward to qualifying institutions, while also providing for reinvestment into the corpus to allow for growth. Under the distribution methodology, each eligible institution is entitled to one-seventh of the NRUF available for distribution and an equal share of any remaining funds, not exceeding one-fourth. If more than four institutions are eligible, each institution is entitled to an equal share of the residual of the annual distribution.

### **Campus Carry**

Over the past several sessions, legislative momentum has grown to allow holders of concealed handgun licenses to carry guns on college campuses. This session, with 88 co-sponsors in the House and 13 co-sponsors in the Senate, the measure appeared likely to pass. The House version of the bill, HB 750 by Representative Joe Driver (R – Garland), passed out of committee, but was never set for a vote on the House floor. Controversy surrounded the Senate version, SB 354 by Senator Wentworth, for much of the session.

After SB 354 was voted favorably from committee, Senator Wentworth believed he had secured the necessary two-thirds support required to suspend the rules to bring the bill up on the Senate floor. However, after a heated debate, Senators Eddie Lucio Jr. (D – Brownsville) and Mario Gallegos Jr. (D – Houston) withdrew their support for the measure, leaving Senator Wentworth one vote shy of the required two-thirds.

Unable to bring up SB 354 as a stand-alone measure, Senator Wentworth attempted to amend SB 5, by Chairman Zaffirini, a key bill designed to facilitate efficiencies, reduce costs, and provide administrative flexibility to higher education, to include the concealed carry language. After days of uncertainty, Senator Wentworth was ultimately successful in attaching the amendment; however,

Chairman Zaffirini withdrew her legislation, signaling her willingness to see her bill fail rather than allow concealed handguns on college campuses.

Days later, Senator Wentworth successfully amended the concealed carry measure onto another bill, SB 1581 by Chairman Ogden. SB 1581 was considered a must-pass bill related to fiscal matters for public and higher education. SB 1581 passed the Senate on a party-line vote and moved to the House; however, the House determined that the concealed carry amendment was not germane to the bill, and the legislation was sent back to the Senate. Ultimately, Senator Wentworth was forced to withdraw his amendment from SB 1581, and the concealed carry measure died.

### **New Oversight Committee**

In May Speaker Joe Straus and Lt. Gov. David Dewhurst created a new Joint Oversight Committee on Higher Education Governance, Excellence, and Transparency. Lt. Governor Dewhurst appointed Senator Zaffirini as joint chair of the committee. The committee members include Senators John Carona (R-Dallas); Robert Duncan (R-Lubbock); Rodney Ellis (D-Houston); Kel Seliger (R-Amarillo); Kirk Watson (D-Austin). Speaker Straus has appointed Representative Dan Branch (R-Dallas) as joint chair of the committee. The committee members include Representatives Dennis Bonnen (R-Angleton); Joaquin Castro (D-San Antonio); Eric Johnson (D-Dallas); Lois Kolkhorst (R-Brenham); and Jim Pitts (R-Waxahachie).

The joint oversight committee is charged with ensuring that governing boards are following best practices when they develop and implement policy; looking for major policy decisions to be adequately vetted and discussed transparently; and protecting the excellence and high quality of our state's institutions of higher education.

## **Major Statewide Issues**

The following summarizes major issues impacting the 82<sup>nd</sup> Regular Session, with particular attention focused on controversial issues with statewide impact. Some of the issues discussed were left unresolved at the close of the regular legislative session, leading to a special session.

### **Sonograms**

Last session, Republicans in the Texas Legislature attempted to pass legislation requiring women to have a sonogram prior to having an abortion. Many Democrats opposed the measure, calling it an infringement on a woman's right to choose and on personal and medical privacy. In the 82<sup>nd</sup> Legislature, Governor Perry designated the sonogram legislation an emergency item, allowing the House and Senate to move the bill more quickly.

SB 16 by Senator Dan Patrick (R – Houston), the Senate's version of the sonogram legislation, was one of the first bills considered in the 82<sup>nd</sup> Session. As filed, the bill would have required a 24-hour waiting period between the sonogram and abortion procedures, and a woman would have been required to view the sonogram. Senator Patrick made some concessions by giving women the choice of whether to view the sonogram, though they would still be required to listen to its description; allowing an exemption for women who self-identify as victims of a sex crime; and reducing the waiting period from 24 to 2 hours. SB 16 passed the Senate on a vote of 21-10, with two Democrats – Senators Eddie Lucio Jr. and Judith Zaffirini – voting for the measure.

The House took up its version of the sonogram legislation, HB 15 by Representative Sid Miller (R – Stephenville), as its first bill of the session. Representative Yvonne Davis (D – Dallas) raised a point of order against further consideration of HB 15 early into the House floor debate. The initial ruling from the Speaker of the House would have exempted the House State Affairs Committee and its chairman, Representative Byron Cook (R – Corsicana) from a House rule requiring committee chairmen to take up only legislation referred to their committees, because in his committee testimony was taken on the issue rather than specific legislation addressing the issue. This possibility made both Republicans and Democrats uncomfortable, and the point of order was withdrawn. The parliamentary ruling was rescinded, and the House then unanimously agreed to suspend the rules to re-refer the bill to committee.

The next day, after a quick turnaround through the committee and calendar process, HB 15 passed the House on a largely party-line vote. Representative Miller successfully tabled amendments exempting rape and incest victims, allowing a pregnant woman’s physician to provide her with the sonogram information as opposed to receiving it from the abortion provider, and requiring pregnant women be advised of their option to refuse the sonogram information.

Eventually the House and Senate reached a compromise on the sonogram requirements. The compromise for HB 15 largely followed the House version with several exceptions, including excepting women who certify they live more than 100 miles from the nearest abortion provider from the 24-hour rule, allowing women to decline viewing the sonogram, though they would still have to listen to a description, and allowing victims of sexual assault or women carrying pregnancies with fetal abnormalities to opt out of the doctor’s explanation. HB 15, as amended, passed the House and Senate, and was signed by the Governor in May.

### **Eminent Domain**

Another of Governor Perry’s emergency items for the 82<sup>nd</sup> Legislature was the issue of eminent domain. SB 18, by Senator Craig Estes (R – Wichita Falls) and sponsored by Representative Charlie Geren (R – Fort Worth), is similar to a bill that passed from the Senate in 2009, but later died in the House.

SB 18 creates a process to provide land owners additional protections from having their property taken through eminent domain. It requires entities seeking private property for public use to include a written appraisal of the land value. The entity is also required to make written initial and final offers to the property owner, and the final offer may not be less than the written appraisal. SB 18 also contains a “buyback” provision, allowing the property owner an avenue to repurchase the land if it is determined there has been no progress on the project, or if there is no longer a public use after a specific period of time.

The bill passed unanimously in both the House and Senate, and Governor Perry signed SB 18 in May, and it goes into effect on September 1, 2011.

### **Voter Identification**

One of the most controversial issues of the 81<sup>st</sup> Legislature was legislation requiring voters to present photo identification prior to casting a ballot. House Democrats brought their chamber to a halt by “chubbing” – a parliamentary maneuver of talking for an extended period of time on normally noncontroversial issues such as bills on the Local and Consent Calendar – in the final days of that session, successfully preventing the House from taking action on “voter ID” legislation.



At the outset of the 82<sup>nd</sup> Legislature, Governor Perry declared voter ID an emergency item. With a majority in the Senate and a super majority in the House, leadership in both chambers modified their rules to prevent the blocking techniques employed by Democrats in the 81<sup>st</sup>.

Two weeks into the session, Lieutenant Governor David Dewhurst announced his intention for the Senate to consider SB 14, by Senator Troy Fraser (R – Horseshoe Bay) and sponsored by Representative Patricia Harless (R – Spring), in a Senate Committee of the Whole, instead of sending the legislation through the typical committee process. After two days of testimony, SB 14 passed on a party-line vote to the full Senate, where passionate debate again ensued with Republicans arguing in favor of the legislation and Democrats opposed.

SB 14 passed favorably from the full Senate on the same party-line vote, with only slight modifications. The agreed upon amendments included allowing a concealed handgun license to serve as an alternative form of identification, and the “Odgen amendment,” which would require the Legislature to appropriate funding for the measure to go into effect. As SB 14 moved through the House committee process, the Odgen amendment was stripped from the bill.

Because of the Republican supermajority in the House and the new rule changes, House Democrats opposed to voter ID legislation had few options for preventing passage. However, early in the debate on the House floor, Representative Armando Martinez (D – Weslaco) raised a successful point of order against further consideration of the bill. His parliamentary maneuver sent SB 14 back to committee, delaying its consideration for two days. Ultimately, SB 14 was voted favorably from the House on a largely party-line vote, with only one Democrat, Representative Joe Pickett (D – El Paso), voting for the bill.

The bill was then sent to a conference committee to work out the differences between the House and Senate versions. In a surprise move, the conference committee adopted a new provision – requiring an additional vote from each chamber to allow the committee to go outside the bounds of the legislation – to give voters a free ID if they do not have acceptable photo identification. Despite Democratic objections about the lack of public input and accounting for costs associated with creating and issuing the IDs, the change was adopted and SB 14 passed. The Governor signed the measure into law in late May, and it will go into effect on January 1, 2012.

### **Sanctuary Cities**

After the Republican sweep in the November 2010 elections, a number of lawmakers filed legislation similar to the much-publicized Arizona immigration legislation. In a move reinforcing immigration reform as a Republican priority, Governor Perry declared “sanctuary cities” an emergency item at the start of the 2011 Legislative Session.

HB 12, by Representative Burt Solomons (R – Carrollton) and sponsored by Senator Tommy Williams (R – The Woodlands), became the vehicle for the sanctuary city legislation, and was one of the most volatile issues of the 82<sup>nd</sup> Legislature. The legislation sought to prohibit cities, counties, and other governmental entities from adopting any policy preventing law enforcement from asking lawfully detained or arrested people if they are in the country illegally, and threatening state funding for entities not in compliance.

Proponents of HB 12 believed it would allow law enforcement to better identify those in the country illegally, pointing to drug-related violence in Mexico as a reason the legislation is needed. Opponents argued it would lead to racial profiling of Hispanics, causing Texas to face lawsuits by the Department of Justice, similar to those filed against Arizona.

The legislation progressed slowly in the House State Affairs Committee. Representative Rene´ Oliveira (D – Brownsville) offered an amendment to exempt school districts from the bill, arguing federal law prevents the state from denying funding to school districts educating undocumented students. Representative Solomons was uncomfortable with such an amendment, and HB 12 was delayed while the committee sought a compromise. Eventually, the committee voted to adopt language exempting school districts and junior college employees, except commissioned police officers.

HB 12 was brought up for consideration on the House floor with less than a week remaining for the House to consider its own legislation. Democrats successfully raised a point of order on the bill, sending it back to committee. HB 12 was quickly moved through the committee and calendars process again, and was returned to the House three days later.

After days of debate, Representative Solomons called for consideration of the previous question – a rarely used parliamentary motion to end debate – and HB 12 won tentative passage on a party-line vote. The next day, during the bill’s final reading, Democrats filed more than a dozen amendments. Republicans did not employ the parliamentary maneuver again on third reading, instead allowing Democrats to make arguments against the sanctuary city legislation. Democratic efforts were unsuccessful, and HB 12 passed the House on party-line vote.

Senator Williams, the Senate sponsor for HB 12 and Chair of the Senate Transportation and Homeland Security Committee, replaced the HB 12 language with SB 9 – his omnibus homeland security bill – when the measure came up for a hearing in his committee. The committee substitute would have gutted the sanctuary city provisions from the bill. Senator Williams indicated his actions were retribution for slow movement on SB 9 in the House. Two days later, Senator Williams was satisfied the House was making progress on his bill, and he made a motion to return the sanctuary city language to HB 12. The motion passed on a party-line vote, and moved the bill to the full Senate.

Democratic Senators successfully blocked HB 12 from being considered on the Senate floor through use of the two-thirds rule, killing the bill for the 82<sup>nd</sup> Regular Session. However, Governor Perry placed sanctuary cities on the call for a special session, which began the day after the regular session ended.

## **Redistricting**

The Texas Legislature is responsible for drawing new lines for Texas House, Senate, Congressional, and State Board of Education districts every ten years, following the U.S. Census. Redistricting is often a contentious battle between the majority and minority parties. In Texas, the newly drawn districts are subject to Voting Rights Act provisions, further complicating the matter.

Prior to the November 2010 elections, there were concerns over a repeat of the partisan redistricting battles Texas saw in 2003. After the Republican sweep of the Texas House, it became clear that they would have the votes to control redistricting in the lower chamber.

The House and Senate took up the least difficult map first, the State Board of Education, which easily passed both chambers. However, tensions in the House and Senate rose as each chamber began addressing its own map. Democrats argued the Republican drawn maps did not adequately address minority population increases, particularly the growth in the number of the state’s Hispanic residents. Process objections were raised in both chambers: for example, over the House Redistricting Committee’s holding hearings with little advance notice in rooms without video broadcast, and the Senate Committee was criticized for not taking up the Senate map until two weeks prior to the end of the session. Ultimately, both the House and Senate redistricting maps passed; however, they are expected to face court challenges and close Department of Justice scrutiny.

Neither chamber addressed congressional redistricting, and the Legislature adjourned without a new map for Texas' U.S. Representatives. However, Governor Perry placed congressional redistricting on the call for the special session.

### **Texas Windstorm Insurance**

Since Hurricane Ike struck the Gulf Coast in 2008, the Texas Legislature has attempted to make changes to the state's windstorm insurer of last resort. The Texas Windstorm Insurance Association (TWIA) came under fire from both trial lawyer and tort reform groups for its handling of claims filed by homeowners impacted by Hurricane Ike. The Texas Trial Lawyers Association, led by prolific Democratic donor Steve Mostyn, said storm victims were mistreated by TWIA-affiliated claims adjustors and did not receive just compensation for their losses. Tort reformers, led by Texans for Lawsuit Reform, said fees collected by trial lawyers in legal settlements between homeowners and TWIA were too steep, causing financial strain on the windstorm insurer.

A number of bills were filed throughout the 82<sup>nd</sup> Legislature to address the TWIA issues; however, from the beginning a compromise appeared elusive. Early versions of the legislation proposed by House Republicans included mandatory arbitration clauses or incentives to go to arbitration. Ultimately, the House passed HB 272, by Representative John Smithee (R – Amarillo) and sponsored by Senator John Carona (R – Dallas), which included binding arbitration and allowed a jury trial only after all other remedies have been exhausted. Meanwhile, the Senate version added additional protections, including moving away from binding arbitration and reinserting the “deceptive practices” portion of the Insurance Code as a legal cause of action.

Days before the end of the regular session, it appeared Senate negotiators reached an agreement between trial lawyer and tort reform groups. However, the deal fell through after Governor Perry indicated he was not comfortable with certain provisions of the negotiated bill. The Governor had previously indicated he would call lawmakers back for a special session if TWIA legislation was not passed during the regular session, and true to his word, he placed the issue on the call for the special session.

### **Public Education**

The 2012-13 HB 1 base budget contained almost \$10 billion in reductions to public education funding. Lawmakers, school districts, teacher groups, and the general public feared were shocked at the prospect of such drastic cuts. At the outset, it appeared the differing stakeholder demands could make it virtually impossible to reach an agreement.

In the House, Representative Scott Hochberg (D – Houston), recognized for his in-depth understanding of the public education finance system, was appointed chair of the House Appropriations Subcommittee on Education. Representative Hochberg, along with House Public Education Committee Chairman Rob Eissler (R – The Woodlands) was charged with finding ways to implement the \$9.8 billion in reductions to public education.

On the Senate side, Finance Committee Chairman Steve Ogden appointed a subcommittee, chaired by Senator Florence Shapiro (R – Plano), to recommend how much the state should spend on public education. Senator Shapiro also chaired the Senate Education Committee. Through her work in both committees she sought to determine the necessary funding levels for public education, while seeking to reduce unfunded mandates on school districts. The Senate could not accept the level of cuts to public education proposed by the House, and Chairman Ogden appointed another subcommittee,

chaired by Senator Duncan, to search for additional sources of revenue to fill the budget gap. Senator Duncan's committee identified approximately \$4.7 billion in new revenue, through deferrals and other accounting measures, rather than tax increases.

Both the House and Senate committees examined changes to public education law, including adding legislative authority for districts to effect employee furloughs and salary reductions, raise class-size ratios, increase flexibility for school districts to raise property taxes, and allow waivers to exempt state-mandated interventions for students who fail state achievement tests. The Senate was unable to reach an agreement to implement any of these reforms, and House Democrats successfully derailed similar legislation in the lower chamber using parliamentary technicalities allowed under House Rules.

The additional revenue identified by Senator Duncan's committee allowed lawmakers to cut less funding from public education than initially proposed, but still necessitated \$4 billion in reductions as compared to the funding level required under existing law. A number of competing proposals for distributing cuts across all school districts in the state were offered. After numerous bills failed to pass or ran out of time, the final option for passing public school finance legislation was Senator Duncan's omnibus fiscal matters bill, SB 1811. In addition to the public education provisions, SB 1811 included other important measures necessary for the budget to balance. In the final days of the regular session, Chairs Shapiro and Eissler worked to reach a compromise with enough support to pass both chambers. The House favored cutting funding to every school district by 6 percent, whereas the Senate preferred having wealthier districts absorb a deeper share of the cuts. The agreed-to "hybrid" solution would have adopted the House methodology for the first year of the biennium and the Senate methodology in the second year, with a promise for additional adjustments in the 83<sup>rd</sup> Legislature.

The House and Senate were left with only one day remaining in the regular session to adopt the conference committee report for SB 1811 with the agreed-upon public school funding plan. The House voted 84 to 63 to adopt the report. However, with so little time remaining, the Senate process is susceptible to filibuster, and fulfilling rumors that had began to circulate over the week-end, Senator Wendy Davis (D – Fort Worth) did filibuster the legislation. She, along with other Democrats, argued the \$4 billion cuts to public education were too deep, and the school finance plan proposed in SB 1811 did not fund school districts fairly.

# Appropriations

The groundwork for the 2012-13 appropriations process began about the same time as the Legislature closed out the 81<sup>st</sup> Regular Legislative Session. The double digit decline in sales tax deposits to the General Revenue Fund began in June 2009 and continued for eight straight months. By the fall it had become widely accepted that there would be a budget shortfall for the 2012-13 biennium; the question remaining was the size of the shortfall. In December of 2009, the first warnings were provided to the Texas A&M University System Board of Regents, predicting the shortfall could be as high as \$20 billion, if the Legislature were to maintain services at current levels. By the opening of the legislative session in January 2011, estimates of the shortfall ranged from \$11 billion to \$27 billion, depending on how “shortfall” was defined. Three main factors contributed to the depth of the shortfall: 1) growth in key state budget cost drivers, primarily Medicaid recipients and public school enrollments; 2) revenue shortfalls; and 3) loss of the one-time federal stimulus, American Recovery and Reinvestment Act (ARRA) funds.

In November 2009, Comptroller Susan Combs noted in her economic update that Texas’ revenues had weakened substantially as the national recession began having a more significant impact on the Texas economy. To address the looming shortfall in the state budget, in January 2010 the Governor, Lt. Governor and Speaker issued a letter to all state agencies and institutions of higher education directing a five percent reduction in General Revenue and General Revenue Dedicated funds. Exemptions were allowed for the Foundation School Program, Social Security contributions, contributions to the retirement programs, the Higher Education Fund, and debt service on already issued debt. Final targets for the five percent reduction were approved in August 2010. Higher education bore a disproportionate share of the reduction, taking a total reduction of \$518 million out of a statewide reduction of \$1.25 billion; higher education was 41 percent of the total reduction while representing only about 12 percent of the total state budget.

In December 2010 again the Governor, Lt. Governor, and Speaker asked state agencies and institutions of higher education to reduce their budgets. This time the reduction was 2.5 percent of the General Revenue and General Revenue Dedicated Funds for FY2011. Since the initial budget reduction letter, sales tax deposits to the General Revenue Fund had improved; however, overall state revenue receipts for FY 2010 were \$2 billion below the estimate provided to the 81<sup>st</sup> legislature by the Comptroller with a similar number anticipated for FY 2011. Even though the performance of the sales tax had improved in the first two months of FY 2011 (more than 6 percent growth compared to 2010), it was anticipated that there would be insufficient revenue to cover general revenue spending needs in the 2010-11 biennium. The additional cuts were needed to help close the current biennium’s shortfall in revenue.

The five percent reduction was implemented in two steps: 1) Reductions taken in FY2010 were put into a special account set up by the Comptroller’s Office, and 2) The remaining amount to meet the biennial reduction target was taken in FY2011 through appropriations reductions implemented in **House Bill 4 by Pitts/Ogden**, the Supplemental Appropriations Act. The 2.5 percent reduction for FY2011 was implemented in HB 4 as well through appropriations reductions.

In January 2011, the Comptroller issued her constitutionally mandated (Art. III, Section 49a of the Texas Constitution) *Biennial Revenue Estimate* (BRE). Her estimate stated that there would be a \$4.3 billion shortfall in General Revenue for the 2010-11 biennium and that there would be \$72.2 billion in funds available for general purpose spending for the 2012-13 biennium. The 2012-13 funds available were based on projected revenues of \$77.3 billion offset by the shortfall for the 2010-11 biennium.

Twice during the legislative session as economic conditions improved, the Comptroller issued revisions to the BRE. In March 2011, she estimated that an additional \$300 million would be available, and again in May she estimated that an additional \$1.2 billion would be available for spending in the coming biennium. The additional dollars provided considerable relief to the Legislature both in addressing the shortfall for the 2010-11 biennium and the needs for the 2012-13 biennium.

The 2010–11 biennial budget was balanced using \$12.1 billion ARRA funds, including \$6.4 billion that was used to replace General Revenue appropriated throughout the budget and \$5.7 billion in new funding to state agencies from the federal ARRA funds by \$5.7 billion that was largely considered to be one-time. Whether the ARRA funds were considered to be GR replacement funds or one-time funds, ARRA was a funding source that was not available to the 82<sup>nd</sup> Legislature and when added to the state revenue issues discussed above, created a significant budget shortfall that had to be addressed by the 82<sup>nd</sup> Legislature.

During the Regular Session, the Legislature passed three key pieces of appropriations legislation, House Bill 1, the General Appropriations Act (GAA); House Bill 4, the Supplemental Appropriations Bill; and House Bill 275, which transferred funds from the Economic Stabilization Fund. In addition, Senate Bill 2, 1<sup>st</sup> Called Session, made various appropriations. The key elements of each are summarized below. Other legislation was passed in order to implement various policies necessary to make the budget balance within available revenues, including Senate Bill 1, 1<sup>st</sup> Called Session.

### **HOUSE BILL 1**

**House Bill 1 by Pitts/Ogden** appropriated \$80.5 billion in General Revenue Funds (GR) for 2012-13, \$1.6 billion less than the 2010-11 biennium or a decrease of two percent. The All Funds budget decreased by \$15.1 billion, an 8.1 percent decrease. The one-time ARRA funds are counted in the All Funds numbers only and are not included in the General Revenue decrease.

Several FY 2013 General Revenue Fund-related items of appropriation are contingent on the certification of additional revenue above the Comptroller's *Biennial Revenue Estimate*. The first priority is an appropriation of \$500 million for the Medicaid Program. This contingency is a combination of insurance premium tax revenue expected with the expansion of managed care and other General Revenue increases. The second priority is the restoration of \$200 million reduction for Medicaid. The third priority is restoration of a \$250 million across-the-board reduction for state programs and services (including higher education) other than Medicaid, debt service, and the Foundation School Program.

**OVERVIEW OF THE STATE BUDGET**  
**General Revenue Funds, in millions**  
**House Bill 1 Appropriations for 2012-13**  
**Compared to 2010-11 Expended/Budgeted Level**

GENERAL REVENUE FUNDS		2010-11	2012-13	Change	Percent Change
Art. I	General Government	2,439.1	1,979.2	(459.9)	-18.9%
Art. II	Health and Human Services	21,702.8	22,402.8	700.0	3.2%
Art. III	Education	46,850.0	48,683.9	1,833.9	3.9%
	<i>Public Education</i>	33,783.6	36,827.2	3,043.6	9.0%
	<i>Higher Education</i>	13,066.4	11,856.7	(1,209.7)	-9.3%
Art. IV	The Judiciary	425.8	370.8	(55.0)	-12.9%
Art. V	Public Safety and Corrections	8,620.4	8,184.0	(436.4)	-5.1%
Art. VI	Natural Resources	874.3	653.5	(220.8)	-25.3%
Art. VII	Business and Economic Development	501.1	594.4	93.3	18.6%
Art. VIII	Regulatory	293.3	276.2	(17.1)	-5.8%
Art. IX	General Provisions	-	(3,017.7)	(3,017.7)	NA
Art. X	The Legislature	<u>372.2</u>	<u>339.4</u>	<u>(32.7)</u>	-8.8%
	Grand Total	<u>82,079.0</u>	<u>80,466.5</u>	<u>(1,612.4)</u>	-2.0%

Source: Legislative Budget Board, May 2011.

Notes: 2010-11 includes certain anticipated supplemental spending adjustments. Excludes interagency contracts. Biennial change and percentage change are calculated on actual amounts before rounding. Therefore, table and figure totals may not sum due to rounding. 2010-11 base does not include appropriated ARRA funds.

**Constitutional Spending Limits**

Texas has four constitutional limits on spending. The 2012-13 biennial appropriations are within these spending limits.

1. Article III, Section 49a, "Pay-as-you-go" Limit. It requires that bills making appropriations be sent to the Comptroller for certification and that the appropriations are within available general revenue. HB 1 appropriations from the General Revenue Fund for the 2012-13 biennium total \$80.5 billion, which is within the "pay-as-you-go" limit, when taken in conjunction with the actions in HB 4, HB 275, S B1, 1<sup>st</sup> CS, and SB 2, 1<sup>st</sup> CS and other fiscal related legislation.
2. Article VIII, §22, Limit on the Growth of Certain Appropriations. This provision limits the rate of growth of appropriations from state tax revenue not dedicated by this Constitution to not exceed the estimated rate of growth of the state's economy. The Legislative Budget Board (LBB) met on November 15, 2010, and adopted the constitutional spending limit. The 2012-13 level of appropriations is within the Article VIII limit set by the LBB.
3. Article III, §51-a, Welfare Spending Limit. This provision limits the amount that may be paid out of state funds for assistance grants to or on behalf of needy dependent children and their caretakers to no more than one percent of the state budget in any biennium. The biennial amount included in HB 1 that is subject to the limit on state dollars paid out in Temporary Assistance for Needy Families grants is \$231 million. This amount is \$1,492.5 million less than the one percent limit.
4. Article III, §49 (j), Debt Limit. The Legislature may not authorize additional state debt if, in any FY, the resulting maximum annual debt service payable from the General Revenue Fund, excluding

revenues constitutionally dedicated for purposes other than payment of state debt, exceeds five percent of the average annual unrestricted general revenue for the previous three years. The Bond Review Board calculates this as two limits. The first limit applies to outstanding or issued debt, and for the end of FY2010, the issued debt calculation is 1.36 percent. The second limit calculation includes both issued and authorized but unissued bonds. The Bond Review Board has determined that the state is currently at 4.10 percent of unrestricted general revenue for the end of FY2010 based on the second calculation. If debt service on bonds for the Water Infrastructure Fund and the Economically Distressed Areas Program (EDAP) programs that are included in HB 1 are included, the constitutional debt limit increases from an estimated 4.09 percent to 4.12 percent for debt service of the three year average of unrestricted general revenue.

### **Economic Stabilization Fund (Rainy Day Fund) / House Bill 275**

The Economic Stabilization Fund (ESF), frequently referred to as the Rainy Day Fund, had a balance of \$8.2 billion as of January 1, 2011. The Comptroller's *Biennial Revenue Estimate* forecast that by the end of FY 2013, the balance in the Economic Stabilization Fund would be \$9.4 billion. **House Bill 275 by Pitts/Ogden** appropriated \$3,198,661,120 of the projected \$9.4 billion estimated to be available. Of the amount appropriated from the ESF, \$3.1 billion along with the various reductions implemented in HB 4 will be used to fill the shortfall in revenue for the 2010-11 biennium. The remaining \$81 million used from the ESF is to cover the amounts appropriated to the Texas Forest Service in HB 4 to cover the costs associated with wildfires.

Based on actions taken by the 82<sup>nd</sup> Legislature, it is estimated that \$4.8 billion could be needed for obligations for the Medicaid program for the 2012-13 biennium when the 83<sup>rd</sup> Legislature considers a supplemental appropriations bill.

### **House Bill 4, Supplemental Appropriations Act**

**House Bill 4 by Pitts/Ogden** along with HB 275 addressed the shortfall in revenue for the 2010-11 biennium. When the Comptroller issued the Biennial Revenue Estimate in January 2011 she predicted a shortfall of \$4.27 billion for the 2010-11 biennium; in March she updated her estimate to say that there would be an additional \$300 million in revenue collected, thus reducing the shortfall to \$3.98 billion. HB 4 implemented the remaining five percent biennial reduction as well as the 2.5 percent FY11 reduction for savings of \$1.27 billion. Additional savings of \$183.5 million were also implemented in HB 4. The savings in HB 4 were in addition to the portion of the five percent reduction that were lapsed by state agencies in FY2010.

HB 4 also included appropriations to meet various supplemental needs for the current biennium including \$550 million to cover the Foundation School Program shortfall, \$57 million to cover the Correctional Managed Health Care shortfall, \$1.5 million for utilities costs for the Facilities Commission, and \$2 million for repair to a TSTC facility. A total of \$45 million (\$8 million to each to M.D. Anderson, UT Southwestern, UTHSC San Antonio, A&M HSC, and Texas Tech HSC as well as \$5 million to UNT SCH) was provided to certain health related institutions for a two year period beginning with the effective date of the Act, which falls within FY2011. This \$45 million along with not taking the 2.5 percent reduction from the Higher Education Group Insurance was done to help meet a potential issue with the FY2011 maintenance of effort requirements for certain ARRA funds.



Finally, HB 4 included a number of items of appropriation totaling \$262.6 million for the 2012-13 biennium. These appropriations were primarily for higher education and include:

- **\$81 million for the Texas Forest Service for wildfires,**
- \$5 million to UT Arlington for Nursing,
- \$3 million for UT Dallas for the Middle School Brain Years,
- \$1.7 million to UT Permian Basin for the College of Engineering,
- **\$0.5 million to A&M – Corpus Christi for Engineering,**
- **\$1 million to Texas AgriLife Research for Vegetable and Fruit Improvement Center** (contingent on certification),
- **\$2 million to Texas Engineering Experiment Station for the Nuclear Power Institute,**
- \$2 million to UT HSC San Antonio for the Umbilical Cord Blood Bank,
- \$12 million for capital projects for two institutions; however, these appropriations will not become effective (in this bill; see SB 2, 1<sup>st</sup> C.S. below) because the bill did not receive the required 2/3rds vote in each chamber, and
- \$137.9 million for the health related institutions to restore some of the reductions in funding levels, including \$13 million (in addition to the \$8 million above) for the **Texas A&M Health Science Center.**

### **Senate Bill 2, 1<sup>st</sup> Called Session**

During the 1<sup>st</sup> Called Session an additional appropriations bill was required to redo all the contingencies that were dependent upon passage of the various fiscal matters bills that did not pass during the regular session. Other additions were made during the special session. Appropriations in **Senate Bill 2 by Ogden/Pitts** totaled \$36.1 billion, most of which (\$35.45 billion) is for the Foundation School Program. Appropriations for higher education include:

- Appropriations for the three institutions that received capital funding in HB 4 during the regular session. Those appropriations were invalid because the bill did not receive the necessary two thirds vote required for general revenue appropriations for capital for higher education. So like amounts were appropriated in SB 2 for Institutional Operations, including \$5 million for Lamar Institute of Technology, \$7 million for Sul Ross State University, and \$2 million for TSTC – Waco;
- An additional \$40 million for the **Texas Forest Service** for their ongoing costs for fighting wildfires;
- \$1.6 million for Texas State University System to match their 2010-11 System Operations Funding to the same level provided all other university systems for that biennium, and
- A directive to UT Austin to use \$1 million out of funds appropriated in HB 1, RS, for the College of Fine Arts in conjunction with the Texas Cultural Trust.

### **Senate Bill 1, 1<sup>st</sup> Called Session**

Because the fiscal matters bill did not pass during the regular session, its passage was one of the primary reasons for the special session called on the day after close of the regular session. **Senate Bill 1, 1<sup>st</sup> Called Session by Duncan/Pitts**, or the fiscal matters bill, is estimated to have a \$7.2 billion positive impact on the General Revenue Fund for the 2012-13 biennium. The impact for the legislation in the following biennium is estimated to be only \$3.6 billion because many of the savings measures adopted generate only a one-time savings.

Key one-time provisions include:

- One-time savings of \$2.3 billion by deferring the 24<sup>th</sup> payment to the school districts for the 2012-13 biennium into the following biennium.
- One-time savings of \$403 million by delaying the transfer of the motor fuels tax to Funds 6 and 2. This will be a cost in the next biennium when the transfer must occur.
- One-time net increase of taxes during the 2012-13 biennium of \$316 million due to prepayment of sales taxes, motor fuels taxes, and alcohol taxes in FY2013 for certain taxpayers. These amounts are then credited to FY2014 and will not count as revenue during that biennium.

The bill also implements changes to the school finance laws to reduce the required costs to the Foundation School Program by \$4 billion. Those savings are projected to be ongoing.

The bill also changed all the special mineral funds that are currently classified as General Revenue Dedicated funds to be classified Institutional Funds. This will take the special mineral funds out of the appropriations process. This change affects the **Texas A&M University System**, Texas A&M University – Kingsville, and Texas Tech University,

# Higher Education Appropriations

Funding comparisons will include comparisons to both the 2010-11 Appropriated Base and the 2010-11 5% Reduced Based which reflects the five percent reduction but not the 2.5 percent reduction for FY2011. The Legislature made its policy decisions based on the 2010-11 5% Reduced Base and much of the narrative describing the decisions is based on comparisons to that base. However, the reality facing institutions of higher education is the higher reduction amounts that are shown relative to the 2010-11 Appropriated Base.

**Higher Education  
General Revenue Appropriations for 2012-13  
HB 1, HB 4, and SB 2, 1<sup>st</sup> CS  
Compared to 2010-11<sup>1</sup>  
in millions**

Higher Education General Revenue Funds 2012- 13 Compared to 2010-11	2012-13 <sup>2</sup>	Change from 2010-11 5% Reduced Base <sup>1</sup>	Percent Change	Change from 2010-11 Approp. Base <sup>1</sup>	Percent Change
General Academic Institutions	\$ 4,078.8	\$ (425.4)	-9%	\$ (628.8)	-13%
Health-related Institutions	2,293.9	(196.9)	-8%	(314.6)	-12%
Texas A&M Agencies	288.9	(25.7)	-8%	(40.9)	-12%
Higher Ed. Coordinating Board	1,061.6	(339.3)	-24%	(362.4)	-25%
Higher Education Fund	525.0	-	0%	-	0%
Two Year Institutions	1,924.5	(31.8)	-2%	(131.4)	-6%
Optional Retirement System	205.3	(46.0)	-18%	(46.0)	-18%
Higher Ed. Group Insurance	967.6	(99.4)	-9%	(155.5)	-14%
<b>Total, Higher Education</b>	<u>\$ 11,344.7</u>	<u>\$ (1,164.5)</u>	-9%	\$ (1,679.7)	-13%
 Tx Forest Service - Wildfire Costs	 121.0				

Notes:

<sup>1</sup>2010-11 5% Reduced Base includes the 5 percent reduction, includes all ARRA funding. 2010-11 Appropriated Base includes all ARRA funding but does not include 5 percent reduction. 2010-11 PIF funding is at the CB. <sup>2</sup>2012-13 includes all appropriations made in HB 1, HB 4, and SB 2, 1<sup>st</sup> CS.

Table does not include higher education portion of retirement or social security benefits which are included in the statewide functional table at the beginning of the appropriations section of this report. Includes ARRA funds in 2010-11 as GR which are not in the GR statewide functional table. Includes appropriations made in HB 1 and SB 2, 1<sup>st</sup> CS. HB 4 amounts include appropriation amounts but only reflect reductions in the 2010-11 Adjusted base.

Amounts for Texas Transportation Institute include both base funding State Highway Fund 6 and special item funding from General Revenue.

## GENERAL ACADEMIC INSTITUTIONS

Overall general revenue funding for the 2012-13 biennium for the General Academic institutions and System Offices is down \$425.4 million from the 2010-11 5% Reduced Base and \$628.8 million from the 2010-11 Appropriated Base. The reductions can be summarized as a five percent reduction to the reduced formula base and a 25 percent reduction to the reduced non-formula base. The table below provides the detailed amounts for the Texas A&M University System general academics and the System Offices.

**Texas A&M University System General Academics and System Offices  
General Revenue Appropriations for 2012-13  
HB 1, HB 4, and SB 2, 1<sup>st</sup> CS  
Compared to 2010-11<sup>1</sup>**

A&M System Academics and System Offices	2012-13 <sup>2</sup>	Change from 2010-11 5% Reduced Base <sup>1</sup>		Change from 2010-11 Approp. Base <sup>1</sup>	
		Change	Percent Change	Change	Percent Change
Texas A&M University	458,011,060	(46,732,774)	-9%	(72,043,617)	-14%
A&M @ Galveston	30,964,674	(1,367,251)	-4%	(2,596,203)	-8%
Prairie View A&M	90,923,868	(13,932,529)	-13%	(18,657,641)	-17%
Tarleton State	59,464,473	(5,802,749)	-9%	(8,571,700)	-13%
A&M Central Texas	25,352,928	(834,287)	-3%	(2,097,845)	-8%
A&M - Corpus Christi	81,624,416	(14,642,129)	-15%	(18,739,098)	-19%
A&M - Kingsville	54,030,202	(9,291,479)	-15%	(12,242,437)	-18%
A&M San Antonio	29,287,597	4,925,885	20%	3,827,141	15%
A&M International	58,009,521	(11,014,237)	-16%	(13,495,908)	-19%
West Texas A&M	53,282,160	(5,942,869)	-10%	(8,581,671)	-14%
A&M - Commerce	66,581,226	(4,471,246)	-6%	(7,753,169)	-10%
A&M - Texarkana	<u>30,370,655</u>	<u>(7,148,038)</u>	-19%	<u>(8,032,300)</u>	-21%
Total, A&M Academics	<u>1,037,902,780</u>	<u>(116,253,702)</u>	-10%	<u>(168,984,447)</u>	-14%
A&M System Offices	4,473,868	(1,537,851)	-26%	(1,854,257)	-29%

Notes:

<sup>1</sup>Both 2010-11 bases include ARRA appropriations. The 2010-11 5% Reduced Base reflects the five percent 2010-11 reductions. The 2010-11 Appropriated Base does not include the five percent reductions. <sup>2</sup>Includes appropriations made in HB 1, HB 4, SB 2, 1<sup>st</sup> CS.

### Formulas

The General Academic formulas were reduced by five percent from the 2010-11 formula base. The formula base included implementation of the five percent reduction, the \$81 million in ARRA funding that was used to support the formulas for the 2010-11 biennium, and the hold harmless funding provided for the 2010-11 biennium. No funding was provided to cover enrollment growth. General

Revenue appropriations to the general academic formulas (Infrastructure and the Instruction and Operations formulas) total \$2.94 million.

In the 2012-13 bill as introduced, the estimates for statutory tuition were based on applying two years of enrollment growth to the change in tuition revenue from FY2010 to estimated FY2011, thus double counting the growth. This erroneous methodology had also been used for the 2010-11 biennium. For the final formula run in the conference committee bill this methodology was corrected so that only one year of growth was used in the tuition estimate, consistent with sessions prior to the 2010-11 biennium.

Funding is split between the two main formulas: 83 percent to Instruction and Operations, including the Teaching Experience Supplement and 17 percent to Infrastructure, including the Small Institution Supplement. The funding rate for the Instruction formula is \$53.71 per weighted semester credit hour, and total weighted semester credit hours in the formula are 31,346,400. The Instruction and Operations formula used the updated base period (Summer 2010, Fall 2010, Spring 2011) and the latest version of the cost matrix. The annual Infrastructure rate is \$5.25 per predicted square feet, and total predicted square feet in the formula is 61,002,164, using the 2010 Space Model. \$35.9 million is set aside for the small institution supplement provided to institutions with headcounts of less than 10,000 on a sliding scale and other Infrastructure set-asides (infrastructure for the A&M vet school and the supplement for A&M Galveston's training vessel).

The formula implements the provisions of **Senate Bill 1272 by Eltife/Lavendar** which became effective on May 19, 2011. The bill requires that distance education course hours taken by nonresidents who reside in a county immediately contiguous to the county in which Texas A&M Texarkana is located and pay resident tuition rates be included in the Instruction and Operations formula for general academic institutions. This allowed 1,756.19 weighted semester credit hours to be included in the formula and resulted in additional funding of \$69,608 each year in General Revenue associated with those hours.

Much of the session's discussion on the general academics appropriations centered around various proposals by the Texas Higher Education Coordinating Board for using ten percent of the Instruction and Operations formula for a new outcomes based funding formula. The Performance Incentive Fund that was funded during the 2010-11 biennium with one-time ARRA funding was not restored, nor did the Legislature adopt the new proposals put forward by the Coordinating Board. (Please see HB 9 in the Academic Policy section of this report for additional information regarding outcomes based funding.)

### **Non-Formula**

Generally, all non-formula items were reduced by 25 percent from the adjusted 2010-11 base (which already reflects the five percent reduction taken in 2010-11). Revenue neutral special items were not reduced from the 2010-11 appropriated level. Certain special items received additional GR funding. The following summarizes the specific actions taken for each group of non-formula items.

**Hold Harmless:** The general academic institutions are appropriated GR for hold harmless to no more than a 15 percent total GR (minus TRB debt service) loss, including both formula and non-formula amounts. This is a change from past hold harmless calculations that were based only on formula GR and helps to even out the disproportionate impact of the 25 percent non formula reduction for institutions. The 2010-11 amount used in the hold harmless calculation includes ARRA formula funding but does not

include ARRA special item funding. Hold harmless for the General Academics totals \$37.6 million and includes:

- University of Texas – Permian Basin: \$923,314
- University of Texas – Tyler: \$10,718
- **Prairie View A&M University: \$8,232,813**
- **Texas A&M University – Corpus Christi: \$57,390**
- **Texas A&M University – Kingsville: \$2,391,703**
- University of Houston – Clear Lake: \$1,703,941
- Texas Southern University: \$10,530,544
- Texas Woman’s University: \$4,356,203
- Lamar University: \$7,497,847
- Sul Ross State University: \$1,552,343
- Sul Ross State University Rio Grande College: \$333,249

**Research Funds:** The Research Development Fund goal was renamed “Research Funds” and the Texas Competitive Knowledge Fund strategy was moved from the Special Item goal into the Research Funds goal. So this goal now contains both the Research Development Fund and the Competitive Knowledge Fund.

**Texas Competitive Knowledge Fund:** Funding for the Texas Competitive Knowledge Fund decreased by 25 percent like other special items. The University of Texas – Dallas was added to the fund and contributed 75 percent of 95 percent of \$5 million in funding from their special items to the total fund to be allocated. The funds were reallocated based on the most recent three years of total research expenditures.

**Research Development Fund:** The Research Development Fund was reduced by 15 percent from the adjusted 2010-11 base. The funds were reallocated based on the most recent three years of restricted research expenditures as reported to the Texas Higher Education Coordinating Board.

**Special Items:** Special items were reduced by 25 percent from the adjusted 2010-11 base. Any funding items that are increases to existing special items are compared to the 25 percent reduced base. New special item funding in HB 1, HB 4, and SB2, 1<sup>st</sup> CS includes:

- UT Arlington: Nursing Education, \$5m (continued funding from the set-aside in the CB’s Professional Nursing Shortage program for the 2010-11 biennium) (HB 4)
- UT Austin: Bureau of Economic Geology, \$6m (revenue neutral)
- UT Austin: Readiness Project, \$3m
- UT Austin: Marine Science Institute, \$1m
- UT Austin: McDonald Observatory, \$1m
- UT Austin: Institutional Enhancement, \$3m (\$1m directed by SB 2, 1<sup>st</sup> CS to be used for the College of Fine Arts in conjunction with the Texas Cultural Trust)\*
- UT Pan American: McAllen Teaching Site, \$0.8m
- UT Permian Basin: College of Engineering, \$1.7m (HB 4)
- **Tarleton State University: Multi Institution Teaching Center, \$3m**
- **Texas A&M University – Corpus Christi: Engineering Program, \$500,000 (HB 4)**

- University of Houston – Victoria: Downward Expansion, \$4.2m
- Sam Houston State University: Forensic Science, \$125,000
- Sul Ross University: Institutional Operations, \$7m (SB 2, 1<sup>st</sup> CS)

\*The \$3m for UT Austin’s Institutional Enhancement has been recognized to be an double funding of the Readiness special item. This was partially corrected by directing the use of the \$1 million mentioned above for the College of Fine Arts project in SB 2, 1<sup>st</sup> Called Session. Additionally, the institution has been directed to not spend the remaining \$2 million so that it will lapse at the end of the 2012-13 biennium.

Most special items that had previously been funded by ARRA funds for the 2010-11 biennium were not continued, but several such special items received General Revenue support either in HB 1 or HB 4, including:

- UT Dallas: Middle School Brain Years, \$3m (was \$6m)
- University of Texas – San Antonio: Life Science Institute, \$1.47m, (was \$4m)
- **Texas A&M University – Texarkana: Downward Expansion, \$4.2m (was \$6m)**
- University of Houston – Downtown: Community Development, \$250,000
- University of North Texas System: Law School, \$2.94m (was \$5m)
- Angelo State University: Nursing and Allied Health, \$2m

ARRA items from the 2010-11 biennium that were completely discontinued and NOT funded include:

- University of Texas – Austin: Law School Clinical Program, \$420,000
- University of Texas – Dallas: Center for Values in Medicine, Science and Technology, \$5m
- University of Texas – San Antonio: P-16 Council, \$500,000
- **Texas A&M University – Commerce: Construction Engineering, \$1m**
- University of Houston: Energy Research, \$4m
- Midwestern University: Autism Support Program, \$220,000
- University of North Texas: Institutional Enhancement, \$2m
- University of North Texas: State Historical Association, \$150,000
- Texas Tech University: Emerging Technologies Research, \$4m
- Lamar University: Institutional Enhancement, \$2.5m
- Sam Houston State University: Institutional Enhancement, \$4m

**New Institutions of Higher Education/Downward Expansions:** New institutions of higher education (institutions that transitioned from System Centers) and newly downward expanded institutions each have a transition funding rider included that states that special item funding will be phased out as formula funding increases until the institution reaches 6,000 full time student equivalents. New institutions include **A&M – Central Texas, A&M – San Antonio**, and UNT Dallas. Downward Expansion institutions include **A&M – Texarkana** and UH Victoria.

**Other:** Academic Development Initiative funding for **Prairie View A&M** and Texas Southern was reduced 25 percent from requested amounts. Unemployment and workers’ compensation insurance were reduced 25 percent from requested amounts. Mineral Funds were appropriated at 100 percent of the projected amounts in the *Biennial Revenue Estimate* and are estimated. Special items that are funded with General Revenue Dedicated funds were reduced 25 percent from the amounts projected in the *Biennial Revenue Estimate*. License plates funds were appropriated at 50 percent of *Biennial Revenue Estimate* amounts and are not estimated.

## **SYSTEM OFFICES**

General Revenue for system office operations was reduced 25 percent from requested amounts. Texas State System Office GR appropriations were increased to equal other systems' funding in HB 1, and \$1.6 million in additional funding was provided to Texas State University System in Senate Bill 2, 1<sup>st</sup> Called Session to make them whole from the reduced level of funding they received in 2010-11 as compared to all the other system offices.

Mineral Funds were appropriated at 100 percent of the *Biennial Revenue Estimate* amounts and are estimated appropriations. This affects the **Texas A&M University System**. Additionally, SB 1 1<sup>st</sup> CS changed the Special Mineral Funds to institutional funds from GR-Dedicated funds.

## **HEALTH RELATED INSTITUTIONS**

Funding decisions for the health related institutions were included in both HB 1, the General Appropriations Act, and HB 4, the Supplemental Appropriations Act. HB 4 provided an additional \$137.9 million for the health related institutions over the amounts included in HB 1. When both bills are taken together, General Revenue Funds for Health-Related Institutions decreased by \$198.6 million compared to the 2010-11 5% Reduced Base or \$316.2 million compared to the 2010-11 Appropriated Base.

### **Health Related Institutions General Revenue Appropriations for 2012-13 HB 1, HB 4, and SB 2, 1<sup>st</sup> CS Compared to 2010-11<sup>1</sup>**

<b>Health Related Institutions</b>	<b>2012-13<sup>2</sup></b>	<b>Change from 2010-11 5% Reduced Base<sup>1</sup></b>	<b>Percent Change</b>	<b>Change from 2010-11 Approp. Base<sup>1</sup></b>	<b>Percent Change</b>
UT Southwestern	257,279,177	(41,519,175)	-14%	(55,061,456)	-18%
UTMB	472,189,151	(66,974,561)	-12%	(94,343,546)	-17%
UTHSC - Houston	294,281,302	(17,231,966)	-6%	(30,913,564)	-10%
UTHSC - San Antonio	270,615,042	(34,736,211)	-11%	(48,709,461)	-15%
M.D Anderson	306,435,072	(7,568,835)	-2%	(23,394,983)	-7%
UT Health Center - Tyler	71,856,579	595,158	1%	(2,865,843)	-4%
A&M HSC	202,402,799	(12,342,865)	-6%	(22,280,204)	-10%
UNT HSC	118,121,832	(1,718,760)	-1%	(6,983,143)	-6%
TTU HSC	<u>299,713,120</u>	<u>(15,418,098)</u>	-5%	<u>(30,033,041)</u>	-9%
Total, Health Related Inst.	2,292,894,074	(196,915,313)	-8%	(314,585,241)	-12%

Notes:

<sup>1</sup>Both 2010-11 bases include ARRA appropriations. The 2010-11 5% Reduced Base reflects the five percent 2010-11 reductions. The 2010-11 Appropriated Base does not include the five percent reductions. <sup>2</sup>Includes appropriations made in HB 1, HB 4, SB 2 1<sup>st</sup> CS.



## Formula

The formulas for the health related institutions were reduced by five percent from the 2010-11 spending level (which includes the five percent reduction for 2010-11 and ARRA formula replacement funding). Actions taken in HB 4 added funding to decrease the reduction from a 10 percent reduction reflected in HB 1 to a net five percent reduction. No funding was provided to cover enrollment growth.

The funding rates inclusive of HB 4 funding are:

- Instruction and Operations: \$8,874 per weighted student
- Infrastructure: \$6.55 per predicted square foot
- Research: \$1.4125 million plus 1.097 percent of research expenditures
- GME: \$4,682 per resident

## Non-Formula

**Special Items:** The reduction to special items in HB 1 was 25 percent, and the additional funding provided in HB 4 restored funding to a final reduction of 20 percent from the 2010-11 funding base (including the five percent reduction for 2010-11). New special item funding in HB 1 and HB 4 includes:

- UT Health Science Center – San Antonio: Umbilical Cord Blood Bank, \$2 million (HB 4) (new)
- University of North Texas Health Science Center: DNA Laboratory, \$1.65 million (increase over 20 percent reduced base);

Most special items that had previously be funded by ARRA funds for the 2010-11 biennium were not continued, but two such special items received General Revenue support either in HB 1 or HB 4, including:

- UT Health Sciences Center – Houston: Improving Public Health, \$7 million; (was \$9.5 million)
- Texas Tech Health Sciences Center: West Texas Area Health Education Center, \$4 million

ARRA items from the 2010-11 biennium that were completely discontinued and NOT specifically funded include:

- **Texas A&M Health Science Center:** Biosecurity and Import Safety, \$1 million
- **Texas A&M Health Science Center:** College of Medicine Expansion, \$8 million
- UT Health Science Center – Houston: Heart Institute – Adult Stem Cell Program, \$5 million
- UT Health Science Center – San Antonio: Life Science Institute, \$4 million
- UT Health Science Center – San Antonio: Regional Academic Health Center, \$6.5 million
- UT Southwestern: Institute for Genetic and Molecular Disease, \$8 million

**Other:** Worker's Compensation and Unemployment Compensation were generally kept at the 2010-11 appropriated levels and do not reflect the five percent reduction for 2010-11.

## House Bill 4

Additional funding was provided in HB 4 for institutional operations. A total of \$45 million (\$8 million to each to M.D. Anderson, UT Southwestern, UT Health Science Center San Antonio, **Texas A&M Health Science Center**, and Texas Tech Health Science Center as well as \$5 million to UNT Health Science Center) was provided to certain health related institutions for a two year period beginning with the effective date of the Act, which falls within FY2011. This \$45 million along with not taking the FY2011 2.5 percent reduction from the Higher Education Group Insurance was provided in part to help meet a

potential issue with the maintenance of effort requirements for certain ARRA funds. While these funds were not specifically appropriated to replace specific ARRA projects that were not restored, the **Texas A&M Health Science Center** intends to use their \$8 million to replace their loss of ARRA funds for the College of Medicine Expansion.

Also included in HB 4 was the additional funding for the 2012-13 biennium that includes the increase to the formula to lessen the formula reduction to five percent, the increase to special items to lessen the reduction to 20 percent and the increase for additional medical students to lessen the reduction to those special items to 10 percent. The additional funding for medical students was provided to UT Health Science Center – San Antonio for the Regional Academic Health Center, **Texas A&M Health Science Center** for the College of Medicine Expansion, and Texas Tech Health Science Center for the Paul Foster Medical School in El Paso.

### **TWO YEAR INSTITUTIONS**

Public Community/Junior Colleges were appropriated formula funding at the 2010–11 biennial levels, including \$37 million that was appropriated in Art. IX. No funding was provided to cover enrollment growth. The 2012-13 funding does not restore \$16.9 million in ARRA funding appropriated in the 2010–11 biennium. The funding reduction to community colleges is reflected in their share of the Higher Education Group Insurance which was reduced by an estimated \$112 million from the 2010-11 adjusted base.

### **TEXAS A&M SYSTEM AGENCIES**

General Revenue funding for the Texas A&M Agencies was reduced by \$25.6 million due to targeted reductions in administrative, certain programmatic and infrastructure strategies when compared to the 2010-11 5% Reduced base (and \$40.9 million when compared to the 2010-11 Appropriated Base. In general, general revenue for programmatic funds for all the agencies was reduced by 10 percent except for programs related to public safety. The agencies' in-Brazos County infrastructure remained tied to the funding rate for Texas A&M University (overall university formula amounts were reduced by 5 percent). The method of finance for the Texas Transportation Institute's Transportation Safety Center was changed from GR to Fund 6. The Legislature also eliminated various directive riders providing more flexibility in how funds are budgeted. This provides additional flexibility for **Texas AgriLife Research** on \$1.3 million and **Texas AgriLife Extension** on \$650,000.

General Revenue–Dedicated Funds were reduced \$32.6 million is mostly due to a reduction of \$32.5 million for the Volunteer Fire Department Assistance Program at the **Texas Forest Service**. The **Texas Engineering Experiment Station's** Texas Emissions Reduction Plan funding was reduced by 50 percent. Federal Funds in the bill increased \$18.0 million, mostly due to estimated increases in federal funding at the **Texas Engineering Experiment Station** (\$16.6 million) and the **Texas Transportation Institute** (\$1.4 million).

Additionally the **Texas Forest Service** was appropriated \$81 million in HB 4 and \$40 million in SB 2, 1<sup>st</sup> CS, for the costs associated with fighting wildfires. **AgriLife Research** received a contingency appropriation in HB 4 of \$1 million for Vegetable and Fruit Research. The funds are contingent upon certification by the Comptroller of additional revenue. **Texas Engineering Experiment Station** received \$2 million for the Nuclear Power Institute to restore half of the 2010-11 ARRA funds.

The A&M Agencies were appropriated funds outside of Article III in the General Appropriations Act, including:

- \$800,000 for Zebra Chip Research for **AgriLife Research** (maintains existing program);
- \$1 million for Feral Hog Abatement for **AgriLife Extension** (maintains existing program); and
- \$3 million from Fund 6 for the **Texas Transportation Institute** to serve as a facilitator and project coordinator of studies related to Proposition 12 General Obligation Bond projects (new project).
- Up to \$250,000 for **Texas Transportation Institute** to complete a study of methods to maximize toll revenues (new).

**Texas A&M System Agencies**  
**General Revenue Appropriations for 2012-13**  
**HB 1, HB 4, and SB 2 1<sup>st</sup> CS for 2012-13**  
**Compared to 2010-11<sup>1</sup>**

<b>Texas A&amp;M System Agencies</b>	<b>2012-13<sup>2</sup></b>	<b>Change from 2010-11 5% Reduced Base<sup>1</sup></b>	<b>Percent Change</b>	<b>Change from 2010-11 Approp. Base<sup>1</sup></b>	<b>Percent Change</b>
Tx AgriLife Research	100,233,060	(9,645,150)	-9%	(15,612,424)	-13%
Tx AgriLife Extension	84,437,039	(10,227,298)	-11%	(15,212,315)	-15%
Tx Eng. Experiment Station	27,791,758	(3,946,920)	-12%	(5,456,955)	-16%
Tx Transportation Institute	14,589,460	(439,749)	-3%	(534,749)	-4%
Tx Eng. Extension Service	12,388,837	(1,213,614)	-9%	(1,929,532)	-13%
Tx Forest Service	37,979,848	799,313	2%	(570,715)	-1%
Tx Vet Medical Diagnostic Lab	<u>11,519,113</u>	<u>(972,159)</u>	-8%	<u>(1,629,594)</u>	-12%
<b>Total, A&amp;M Agencies</b>	<u><b>288,939,115</b></u>	<u><b>(25,645,577)</b></u>	-8%	<u><b>(40,946,284)</b></u>	-12%
Tx Forest Service - Wildfire Costs	121,000,000				

Notes:

<sup>1</sup>Both 2010-11 bases include ARRA appropriations. The 2010-11 5% Reduced Base reflects the five percent 2010-11 reductions. The 2010-11 Appropriated Base does not include the five percent reductions. <sup>2</sup>Includes appropriations made in HB 1, HB 4, SB 2 1<sup>st</sup> CS. <sup>3</sup>Amounts for Texas Transportation Institute include both base funding State Highway Fund 6 and special item funding from General Revenue.

## HIGHER EDUCATION COORDINATING BOARD

The budget for the Texas Higher Education Coordinating Board was reduced by \$3393 million or 24 percent in General Revenue Funds. The majority of the reduction was in financial aid, although other programs received significant cuts as well.

### **Financial Aid:**

Financial aid programs funded through the Texas Higher Education Coordinating Board were reduced by 25 percent or \$315.5 million. The major financial aid programs were reduced by 15 percent.

- TEXAS grant program was reduced by 10 percent and is expected to fund 30 percent of eligible students, including all renewals plus about 33,000 new students;
- The Texas Equal Opportunity Grants (TEOG) and Work Study were both funded at the 2010-11 level and will serve approximately 9,900 and 4,400 students respectively;
- The Tuition Equalization Grants were reduced by 20 percent (estimated to serve 24,300 students);
- B-on-Time was reduced by 29 percent (estimated to service 9,200 students);
- Top 10 Percent Scholarships was reduced by 23 percent (estimated to service 16,200 students);
- Teach for Texas Loan Repayment Program was reduced by 91 percent; and
- Texas Armed Services Scholarships remained at the 2010-11 funding level (estimated to serve 162 students).

Several financial aid programs were zero funded, including:

- Early High School Graduation Scholarship
- TANF Scholarship
- Educational Aide Program
- Engineering Recruitment Program
- Combat tuition Reimbursement
- Texas Career Opportunity Grants
- Doctoral Incentive Program

Health programs within the Coordinating Board were reduced overall by 45 percent or \$110.7 million. The Professional Nursing Shortage Reduction Program was reduced by \$17.1million; Family Practice Residency program was reduced by \$14.6 million; Physician Education Loan Repayment Program was reduced by \$17.7 million. Health related programs zero funded include:

- Preceptorship Program
- Primary Care Residency Program
- Graduate Medical Education
- Professional Nursing Aid
- Vocational Nursing Aid
- Dental Education Loan Repayment Program
- Hospital-based Nursing Education
- Children's Medicaid Loan Repayment Program

Other programs were also reduced or eliminated. Developmental Education was reduced by \$1.75 million; Centers for Teacher Education were reduced by \$3 million; Adult Basic Education Community

College Grants were reduced by \$4.5 million; Texas Research Incentive Program was reduced by \$11.9 million; and the Advanced Research Program was reduced by \$15.1 million. The following programs were zero funded:

- College Readiness Grants
- Performance Incentive Fund
- Two-year Institution Enrollment Growth
- New Community College Campus
- General academic Enrollment Growth

#### **New Riders:**

**Dual Credit Study:** The rider directs the Coordinating Board in conjunction with the Texas Education Agency to analyze and report on the fiscal and instructional impacts on student outcomes for dual credit courses. (Art. III, page III-48, Rider 33).

**TSTC Returned Value Funding Model:** The rider directs the Coordinating Board to work with the Texas State Technical College System, the LBB and other agencies to develop a new funding formula to be implemented for the 2014-15 biennium for TSTC. The funding model is to reward job placement and graduate earnings projections, not time in training or contact hours (Art. III, page III-50, Rider 42).

**Community College System:** The rider directs the Coordinating Board to use up to \$350,000 of appropriated funds to hire a consultant to provide the LBB and Governor with a blueprint to establish a state system administration for public community colleges. (Art. III, page III-52, Rider 53).

#### **Available University Fund/Higher Education Fund**

Estimated earnings distributed to the Available University Fund increased by less than one-fifth of one percent, or \$2.4 million. Total anticipated funding in the AUF is \$1,061.4 million for the 2012-13 biennium.

Funding for the Higher Education Fund was sustained at the levels that meet the statutory and constitutional requirements. Funding totals \$525 million for the biennium and will be distributed based on the allocation model set forth in HB51, 81<sup>st</sup> Regular Session, 2009.

#### **Higher Education Group Insurance**

Higher Education Group Insurance (HEGI) contributions were reduced \$99.3 million, mainly due to discounted premium contribution rates for higher education employees. Higher education employees within the Employees Retirement System group health insurance program were funded at 85.8 percent of ERS general state employee premium rates; higher education employees within the University of Texas and Texas A&M University Systems were funded at 83.4 percent of ERS rates; and higher education employees at community colleges were funded at 42 percent of ERS rates. Last biennium higher education employees within the ERS program were funded at 97.5 percent of the ERS rate; UT and A&M employees were funded at 95 percent of the ERS rate; and community college employees were funded at 90 percent of the ERS rate. Out year rates were increased by 1.29 percent in 2012 and 5.42 percent in 2013

The distribution of the HEGI funds was based on the updated LAR Schedule 3 that was provided to the LBB early in the session. State agencies and institutions of higher education that participate in the ERS group insurance program are required to pay a 1 percent payroll assessment (Article IX, Sec. 18.09, HB 1, Regular Session). This provision generates \$160 million to help pay for the ERS health insurance program. Non ERS-participating agencies and institutions are not affected, except that their funding level is tied to an ERS rate that includes the additional \$160 million. HB 4 implemented the five percent 2010-11 reduction to our higher education group insurance. HEGI is not being reduced for the 2.5 percent reduction for FY2011.

### **Retirement Benefits**

**Teachers Retirement System:** The state contribution rate for the teacher retirement program is six percent in 2012 and 6.4 percent in 2013. Usually, as authorized by the Government Code, Section 825.404, the employer contribution is equal to the employee contribution. However **SB 1667 by Duncan/Truitt** included a provision (Section 27 of the bill) that authorizes that the TRS contribution rate may be less than the amount contributed by members during FY 2012. So with no action authorizing the change in the member contribution from the current 6.4 percent, it will remain at that rate for each year of the upcoming biennium.

**Optional Retirement Program:** The contribution rates are six percent in both years of the biennium. The rider that authorizes institutions to supplement the contribution up to 8.5 percent remains (III-31, Rider 3, HB 1, Regular Session).

# Riders: Article III

## Special Provisions

The following summarizes the changes to the Article III Special Provisions:

### Amended Sections:

**Sec. 28. General Academic Funding.** Provides funding rates for formulas for 2012-13:

- Instruction and Operations Support - \$53.71 per weighted SCH;
- Teaching Experience Supplement – 10 percent; and
- Infrastructure Support - \$5.25 per square foot.

Updates the matrix to use the relative cost-based matrix weights. These cost-based weights use 100 percent of the average of three years of expenditure data in determining the relative matrix values.

**Sec. 29. Health Related Institutions Funding.** Provides funding rates for health institutions funding formulas for 2012-13. The funding rates including the additional funding provided in HB 4 are below in parentheses:

- Instruction and Operations - \$8,429 per weighted student in HB 1; (\$8,874 per weighted student including the funding in HB 4);
- Infrastructure Support - \$6.25 per square foot for all institutions excluding UT M.D. Anderson Cancer Center and UT Health Center at Tyler; (\$6.55 per square foot including the funding in HB 4);
- Research Funding - \$1,412,500 plus one percent of research expenditures; (plus 1.097 percent including the funding in HB 4) and
- Graduate Medical Education Formula – for each year of the 2012-13 biennium the appropriations are \$4,436 per resident; (\$4,682 per resident including the funding in HB 4).
- Mission Specific Funding: The Legislature institutionalizes the methodology for funding the UT M.D. Anderson Cancer Center based on the total number of Texas cancer patients served and limits the growth in funding from one biennium to the next to the average growth in funding for all health related institutions in the Instruction and Operations formula for the current biennium.

**Sec. 33 Funding for Physical Education Courses.** Adds new section directing the Coordinating Board to recommend a funding methodology that excludes semester credit hours for physical education courses for students who are registered to both receive high school and college credit.

### New Provisions:

- **Hold Harmless:** In past biennium, the LBB has taken any hold harmless funding and rolled it through the formulas the next biennium when they make their budget recommendations. This left the hold harmless decision to the will of the Legislature but preserved that funding within higher education. This Legislature added a rider that expressed the intent that these funds not be put into the formulas next biennium. See Art. III, Special Provisions, Sec. 52.

- **CPRIT:** Added a new informational rider that provides a listing of the 2010-11 Cancer Prevention & Research Institute of Texas awards to institutions of higher education. See Art. III, Special Provisions, Sec. 53.
- **On-line Degree Plans:** The legislature added a new provision requiring institutions of higher education to submit a report to the Coordinating Board regarding the costs of providing popular degree plans online and directing the Coordinating Board to analyze the reports and determine the most efficient and effective online degree plans. See Art. III, Special Provisions, Sec. 57.

**Deleted Sections (from SB 1, 81<sup>st</sup> Legislature):**

- Sec. 54. Special Item Study
- Sec. 56. Academic Reporting Requirement for Museums



# Article IX – General Provisions

The following sections list selected major changes to provisions in Article IX.

## Amended Sections

**3.05(c)(2) Scheduled Exempt Positions.** Changes the language from mandatory to permissive regarding listed documentation required to be included with an agency governing board's request to set the compensation rate provided for exempt positions.

**3.09 Classifications Study on Scheduled Exempt Positions.** Makes revisions to certain issues the State Auditor's office is to study in compensation review.

**5.06 (a) Travel Meals and Lodging Expenses.** Reimbursements for travel and meals may not exceed the maximum meals and lodging rates based on federal travel regulations issued by the United States General Services Administration, rather than the Texas Comptroller.

**5.08 (a) and (b) Limitation on Travel Expenditures.** Clarifies "travel expenditures" as referring to out-of-state travel and exempts travel expenses critical to the delivery of services consistent with the mission of the agency or institution incurred after August 31, 2011 from the section.

**6.22 (b) Definition, Appropriation, reporting and Audit for Earned Federal Funds.** General Revenue in Lieu of Earned Federal Funds in this section increased from \$56,068,751 to \$57,983,108 in the first year of each biennium and from \$55,416,628 to \$57,755,541 in the second year of each biennium.

**6.22 (g) Definition, Appropriation, reporting and Audit for Earned Federal Funds.** "(R)evenues collected as earned federal funds as authorized and generated by each of the agencies above cover, at a minimum, the cost of the General revenue appropriations specified above and any associated employee benefits" no longer includes the phrase "in the event that these revenues are used to pay salaries."

**10.04 Informational Listing – Health Care Appropriations.** Eliminates appropriations made by HB 4586, 81<sup>st</sup> Legislature, Regular Session. Total All Funds increased from \$30,153.6 million to \$32,642.6 million in year one of the biennium, but decreased from \$30,806 million to \$22,529.7 million in the second year of each biennium.

**10.05(a)(2-16) Informational Listing on Use of Tobacco Settlement Receipts.** Shows some increases to the Texas Higher Education Coordinating Board and health-related institutions.

**10.06 Informational Listing – Supplemental Medicaid Payments.** The informational listing of federal funds to provide Medicaid supplemental payments to providers as authorized by the federal Disproportionate Share Hospital Program and the Upper Payment Limit provision increased from \$1,231,912,689 to \$1,565,677,576 in the first year of each biennium and from \$1,188,445,460 to

\$1,565,677,576 in the second year. Most of the health-related institutions show reduced estimates, except the Texas Tech University Health Science Center, and the FY 2013 estimate for the University of North Texas Health Science Center and the University of Texas Health Science Center at Houston. Estimates for The Texas Tech University Health Science Centers at Amarillo, El Paso, and Odessa are no longer included in the listing.

**13.07(a) Appropriation of Specialty License Plate Receipts.** With the exception of newly added subsection (c) (listed below), for the fiscal biennium beginning September 1, 2011, the amounts appropriated to an agency under Articles I-VIII of the Appropriations Act include, regardless of whether or not the amounts may be shown under or limited by the bill pattern or riders of the agency or the special provisions applicable to the Article of this Act under which the agency's appropriations is located, fifty percent of all revenue collected by an agency on or after September 1, 2011, that are associated with the sale of Texas Specialty license plate, as authorized G, Chapter 504, Transportation Code, or other applicable statute, during the 2012-13 biennium, including any new license plates authorized or issued after September 1, 2011.

**13.07(c) Appropriation of Specialty License Plate Receipts.** Notwithstanding 13.07(a), states there is no appropriation of any license plate receipts to an agency under Section 13.07 if no direct appropriation is made to the agency under this Act; for trustee programs under the Office of the Governor; the Texas State Library and Archives Commission; the Texas Department of Agriculture, from GO Texan Partner Program Plates; or the Historical Commission.

**14.01 Appropriation Transfers.** Removes specific reference to institutions of higher education from the restrictions of transferring funds between FYs and between agencies under certain circumstances.

**14.03(d) Limitations on Expenditures – Capital Budget.** "Capital Budget" now includes expenditures for assets with a biennial project cost or unit cost in excess of \$100,000, rather than \$25,000 within certain listed categories.

### Deleted Sections

Deleted section references reflect the 2010-2011 budget.

- 5.08 (i,j) Limitation on Travel Expenditures
- 10.03 State Agency Communication with Employees Regarding the State Kids Health Insurance Program (SKIP)
- 10.08 Payment for medical Errors
- 10.09 Study on Directly Contracting with Medicare for Prescription Drug Coverage
- 11.03 Limitations on Expenditures for Leased Space
- 13.07(b) Appropriation of Specialty License Plate Receipts

### Added Sections

Added Section references reflect the 2010-11 budget.

**8.02(j) Federal Funds/Block Grants.** Appropriates any unexpended balances of federal funds at the beginning of this biennium or at the end of any FY of this biennium for use during this biennium for the original purposes of the appropriation.

**10.05(1) Informational Listing on Use of Tobacco Settlement Receipts.** Article I debt service payment of \$21,125,000 in FY 2012 and \$56,963,000 in FY 2013.

**14.01(b) Appropriation Transfers.** Permits an agency to exceed the 20 percent discretionary transfer authority provided to the chief administrative officer under Section 14.01(a) after obtaining written approval from the Governor and the Legislative Budget Board.

**14.01(c) Appropriation Transfers.** Requires a request for approval to exceed the 20 percent discretionary transfer authority provided the state agency under Section 14.01(a) be submitted by the agency's governing board and include the board approved request, a statement justifying the need to exceed the transfer limitation, the source of funds to be used to make the transfer, and an explanation as to why such a transfer cannot be deferred.

**14.01(e) Appropriation Transfers.** Allows funds appropriated in items of appropriation that are part of a Goal for "Indirect Administrative Support Costs" or "Indirect Administration" also be transferred from one appropriation item within that same Goal without limitation but may not be increased by transfer from an appropriation item from another Goal without written approval from the governor and the Legislative Budget Board.

**14.03(i)(3) Limitations on Expenditures – Capital Budget.** Restricts an agency from transferring appropriations from a capital budget item to a non-capital item without prior written approval from the governor and the Legislative Budget Board.

**14.03(l) Limitations on Expenditures – Capital Budget.** Allows the LBB to direct the Comptroller of Public Accounts to reduce funds appropriated to a state agency for capital budget purposes.

**14.05 Unexpended Balance Authority between FYs within the Same Biennium.** Allows an agency to transfer any unexpended and unobligated balances remaining as of August 31, 2012 for the same purposes for the FY beginning September 1, 2012, if the agency has been granted either specific authority in another provision of this Act or prior written approval from LBB.

**Part 17 Data Center Services Reductions.** Lists reductions to amounts appropriated elsewhere in affected state agency bill patterns for the 2012-13 biennium for the purpose of making payments for data center services provided by the Department of Information Resources.

### Moved Sections – No Change

- **7.10 Fraud Reporting.** Moves from Section 17.05 without amendment.
- **13.07(b) Appropriation of Specialty License Plate Receipts.** Moved from Section 13.07(a)(2) without amendment

# Bill Facts

## Legislation Filed & Passed

The following table provides a summary comparison of legislative bill activity from the 81<sup>st</sup> and 82<sup>nd</sup> Regular Sessions.

82 <sup>nd</sup> Legislative Session				81 <sup>st</sup> Legislative Session		
Type	Filed	Passed	%	Filed	Passed	%
HBs	3865	797	20.6%	4836	867	17.9%
HJRs	154	3	1.9%	140	9	6.4%
SBs	1931	582	30.1%	2583	592	22.9%
SJRs	53	8	15.1%	50	0	0%
TOTAL	6003	1390	23.2%	7609	1468	19.3%

## Bill Analysis Task Force

A legislative session requires the highest and best efforts of enormous numbers of the A&M System institutions' faculty, administration, and staff. In addition, because the Texas Legislature meets regularly only 140 days every other year, a session necessarily operates on its own highly compressed clock and takes no prisoners when it demands responses from institutions. One of the principal instruments we have created to respond to the demands of a session is the Bill Analysis Task Force (BATF). The BATF provides a timely synopsis of all legislation that affects the A&M System member universities and agencies. These analyses of key bills are provided to the Chancellor, his Executive Officers, System CEOs and the Governmental Relations Team, so that they will be better prepared to furnish information to and communicate the A&M System's legislative program to the legislature and governor during the fast-paced session. Of note, all the BATF members serve voluntarily and take on these extra duties while continuing to carry out their regular duties, and without extra compensation.

This session the Office of Governmental Relations tracked and kept watch over **1,580 bills, which is 26.3% of all the bills that were filed.** The Task Force members provided analyses for **929 of these tracked bills.**

Without the support and assistance of all the individuals who serve the Bill Analysis Task Force, the Texas A&M University System would not have been able to provide legislators and their staff the information they required during the session.

The names and affiliation of members of the Bill Analysis Task Force may be found in the Appendix.

# Texas A&M University System Institution-Specific Legislation

The following summary includes legislation that directly affects a member institution of The Texas A&M System or the entire System.

## System-wide, Multi-Institution, or System Office

**HB 2825 by Otto/Williams - Relating to the composition and appointment of the board of directors of a corporation to which the board of regents of The University of Texas System delegates investment authority for the permanent university fund or other funds under the control of the board of regents.** HB 2825 increases the number of A&M System appointees to the UTIMCO Board from one to two members, provides that the A&M System Board makes the appointments, and implements a transition schedule for the additional board member. The bill is effective June 17, 2011.

**SB 5 by Zaffirini/Branch – Relating to the administration and business affairs of public institutions of higher education.** SB 5 was an omnibus higher education bill designed to facilitate efficient operations, reduce institutional costs, and provide administrative flexibility to institutions of higher education. This was particularly important in the current budget climate in which institutions are being asked to do more with less.

Included in SB 5 were two sections that were initiated by the A&M System, but apply to all institutions of higher education. Section 1.01 of the bill permits an institution of higher education to maintain unsecured deposits in foreign banks in amounts necessary to support its operations in that foreign country. The ability to maintain a bank account in a foreign country is essential to conducting an institution's business with local vendors when operating a branch campus, facilitating an extensive study-abroad program, or conducting research or other activities in that country. The bill does not permit use of tuition paid by students on its "home" who are not enrolled in the foreign campus to be used to support the foreign campus' operations.

The second issue deals with research and commercialization information. Previously, Texas public institutions of higher education could not guarantee to research collaborators, sponsors or funding entities that negotiations, plans, and research results and data could be protected against disclosure and held confidential. This uncertainty placed Texas' public institutions of higher education at a competitive disadvantage with other institutions, both private and publics, from other states in

competing for many grants and contracts. Section 6.04 amends existing statute as it relates to the confidentiality of certain information relating to research and commercialization. It removes from the Public Information Act information that would otherwise reveal the institution's plans or negotiations for commercialization, the institution's plans or negotiations for research, or unpublished research results or data. It does not apply to information that has been published, patented, or is otherwise subject to an executed license, sponsored research agreement, or research contract or grant.

SB 5 also contains the statutory codification language for the A&M Health Science Center; please see the HSC section for more details regarding this section of SB 5.

**SB 1154 by Uresti/McClendon - Relating to a task force for the development of a strategy to reduce child abuse and neglect and improve child welfare.** SB 1154 amends the Family Code to establish a task force to develop a strategy to reduce child abuse and neglect and improve child welfare. The bill provides for the appointment and qualifications of the nine members of the task force and requires the governor and lieutenant governor to appoint the members by October 1, 2011. SB 1154 requires certain state agencies and institutions of higher education, including the Texas A&M University System, to provide administrative support, coordinate administrative responsibilities, share the costs of the task force, and to designate an agency liaison with the task force. The bill requires the task force to consult with those agencies and institutions as necessary to accomplish the task force's responsibilities under the bill's provisions and cooperate as necessary with any other state agency.

## Prairie View A&M University

**HB 1662 by West/Turner - Relating to the payment of certain costs associated with certain educational programs of Prairie View A&M University.** Starting in the mid-1990s the Comptroller of Public Accounts had allowed state funds appropriated for certain student support programs at PV A&M to be used for room and board, student travel, and student stipends via an authorization letter. Prairie View A&M University has used the comptroller's letter as its authority to expend the state funds appropriated for certain programs for room and board, student travel, and student stipend expenditures. However, in October of 2009, the State Auditor in an audit suggested that Prairie View seek legislative authority to clarify the issue. HB 1662 amends Section 660.004, Government Code by adding Subsection (d) allowing Prairie View University to use appropriated funds to pay the costs associated with the university's Academy for Collegiate Excellence and Student Success program, Research Apprenticeship Program and the Prairie View A&M Undergraduate Medical Academy.

## TAMU-Corpus Christi

**SB 633 by Hinojosa/Hunter - Relating to the educational scope of Texas A&M University--Corpus Christi.** SB 633 cleans up outdated language in the Education Code that referred to Texas A&M University-Corpus Christi as an “upper level institution” (which it was until 1995) and correctly denotes the University as a general academic teaching institution. This modification will properly align Texas A&M University-Corpus Christi with the other general academic institutions of the Texas A&M System. When the university went through its most recent reaffirmation of accreditation by the Southern Association of Colleges and Schools in the Fall of 2009, the enabling legislation was reviewed as part of its compliance reporting and a remaining reference to its being an “upper level institution” was found. It was noted that this remaining reference to being an “upper level institution” needed to be addressed prior to the University’s next reaffirmation of accreditation.

## TAMU-TEXARKANA

**SB 1272 by Eltife / Lavender - Relating to tuition rates and formula funding for certain nonresident students enrolled at Texas A&M University--Texarkana.** In 1997, the 75<sup>th</sup> Legislature passed HB 1384 that allowed residents of Oklahoma and Arkansas who enrolled in a public upper-level institution to pay in-state Texas tuition; due to the specific circumstances stipulated in that language, it was only applicable only to Texas A&M University-Texarkana. In 2003, the Legislature passed HB 1533, which authorized TAMU-Texarkana to expand by offering lower division courses beginning in the Fall of 2010, which meant it was no longer an upper-level only institution, and which had the unintended effect of nullifying the in-state institution allowance of HB 1384. Section 1 of HB 1272 allows TAMU-Texarkana the ability to offer in-state tuition to Oklahoma and Arkansas residents as they previously did prior to its downward expansion.

Section 2 of the bill addresses a formula funding issue. Previously the state of Texas did not include in the formula funding for general academic institutions semester credit hours take via distance education (online) by students that reside outside of Texas. There are students that attend classes on campus at TAMU-Texarkana during the day and also register for a distance education class; however, if a student does this but resides on the Arkansas side of Texarkana, the university could not receive funding for the hours taken via distance education. Section 2 of the legislation allows the hours taken via distance education for such students who reside in Miller and Little River counties in Arkansas to be counted for formula funding. SB 1272 took effect May 19, 2011.

## TAMUS Health Science Center

**SB5 by Zaffirini / Branch – Relating to the administration and business affairs of public institutions of higher education.** Article 8 of SB 5 relating to the Health Science Center provides for formal recognition of the Texas A&M University System Health Science Center (TAMUSHSC) which currently exists and includes the College of Medicine, Dentistry, School of Rural Public Health, Irma Lerma Rangel College of Pharmacy, College of Nursing, School of Graduate Studies, Institute of Biosciences and Technology, Coastal Bend Health Education Center, and Rural and Community Health Institute. Clarifies that TAMUS-HSC programs and the A&M nursing programs fall within the definition of “medical and dental unit.” Clarifies that mandatory venue is in Brazos County. Affirms Board of Regents’ existing authority to provide AUF to eligible HSC components. Adds “Baylor,” in reference to the College of Dentistry, in accordance with the licensing agreement between the HSC and Baylor University.

**SB 74 by Nelson / Branch - Relating to the disposition of surplus or salvage data processing equipment of a university system or an institution or agency of higher education.** SB 74 amends current law to allow public institutions of higher education to donate surplus and salvage computer processing equipment to rural hospitals, which often lack the computer equipment and resources needed to use health information technology to increase the quality of care. This legislation will provide needed assistance to small rural hospitals such as those served by the Texas A&M Health Science Center’s Rural and Community Health Institute.

## Texas AgriLife Research

**HB 2271 by Anchia/Hinojosa - Relating to the continuation and functions of the Texas Racing Commission, the abolishment of the Equine Research Account Advisory Committee, and the authority of Texas AgriLife Research; providing an administrative penalty.** HB 2271 continues Texas AgriLife’s authority to expend appropriated Equine Research Funds. Created by the 72nd Legislature in 1991, the 11-member Equine Research Account Advisory Committee (committee) recommends funding for equine research projects, initially using a portion of the wagers placed on Texas horse races. The director of Texas AgriLife Research makes the final grant awards. For the past three sessions, the legislature has not appropriated account funds and instead, Texas AgriLife funded grants recommended by the committee. The Sunset Advisory Commission found that the committee has not provided clear outcomes for its funding decisions and that a statutorily mandated committee is no longer needed.



## Texas AgriLife Extension Service

**HB 2997 by Miles/Estes - Relating to the creation and funding of the urban farming pilot program and the creation of the Select Committee on Urban Farming.** HB 2997 establishes the urban farming pilot program, which will award available grants to Texas urban farmers to establish new urban farms and increase existing urban farms. Also, the bill creates a select committee on urban farming (PVAMU and Extension and BOR appointments) to conduct an interim study and provide recommendations to the Texas Legislature.

**SB 449 by Watson/Ritter - Relating to the appraisal for ad valorem tax purposes of open-space land devoted to water stewardship purposes on the basis of its productive capacity.** SB 449 amends the Tax Code to include water stewardship among the agricultural uses that qualify land for a property tax appraisal as qualified open-space land. Texas AgriLife Extension Service, on the department's or comptroller's request, would assist the department and the comptroller in developing the standards.

## Texas Engineering Experiment Station

**HB 51 by Lucio/Hinojosa – Relating to energy efficiency standards for certain buildings and to high-performance design, construction, and renovation standards for certain government buildings and facilities.** TEES Energy Systems Laboratory (ESL) is a participant in State Energy Conservation Office's (SECO) advisory committee on high performance design systems; and, in Chapter 388, ESL outreach to industry may specifically include real estate and appraisers.

**SB 20 by Williams/Strama - Relating to a grant program for certain natural gas motor vehicles.** Though no changes were made in the bill to ESL's funding, the bill changed language in the section of code that provides ESL TERP funding.

**SB 385 by Williams/Otto - Relating to the creation of an alternative fuel program to be funded by the Texas emissions reduction plan fund.** Though no changes were made in the bill to ESL's funding, the bill changed language in the section of code that provides ESL TERP funding.

**SB 527 by Fraser/Geren - Relating to air monitors in Texas Commission on Environmental Quality Regions 3 and 4 to be funded through the Texas emissions reduction plan.** This bill eliminates the new technology research and development program and requires the Texas Commission on Environmental Quality (TCEQ) to give ESL up to \$216,000 directly. The funding used to be distributed to ESL under the new technology research program.

**SB 898 by Carona/Cook - Relating to energy efficiency programs in institutions of higher education and certain governmental entities.** This bill requires the ESL to calculate energy savings & emissions reductions based on reports to SECO.

**SB 924 by Carona/Keffer - Relating to energy efficiency reports by municipally owned utilities and electric cooperatives.** This bill requires the ESL to calculate energy savings & emissions reductions based on reports to SECO.

## Texas Forest Service

**HB 78 by Flynn/Williams - Relating to the purchase of food and beverages by certain state law enforcement agencies for peace officer training functions.** This bill authorizes the Texas Forest Service (TFS), subject to the approval of the director of TFS, to use appropriated funds to purchase food and beverages for training functions required of peace officers of TFS.

**HB 2518 by Kolkhorst / Ogden - Relating to the transfer of certain state property from the Texas Board of Criminal Justice to the board of regents of The Texas A&M University System for the use and benefit of the Texas Forest Service.** HB 2518 allows the transfer of certain state property from the Texas Board of Criminal Justice to the board of regents of The Texas A&M University System for the use and benefit of TFS. The Texas Forest Service (TFS) and the Texas Department of Criminal Justice (TDCJ) entered into a lease agreement a number of years ago for a number of acres of land in the city of Huntsville to be used by the forest service as the location for a regional office. TFS and TDCJ agreed to lease payment conditions, but due to statutory changes requiring TDCJ to lease property for fair market value, a lease renewal would require a substantial increase in lease payments and make the lease financially unfeasible for TFS.

TDCJ has agreed to transfer the property to TFS for its continued use as the location for the regional TFS office. Transfer of property from TDCJ must be approved by the Texas Legislature. HB 2518 addresses this issue by establishing provisions relating to the transfer of certain state property from the Texas Board of Criminal Justice to the board of regents of The Texas A&M University System for the use and benefit of TFS.

**SB 646 by Nichols/Cook) - Relating to the continuation and functions of the Texas Forest Service.** SB 646 is the Texas Forest Service Sunset bill. SB 646 authorizes TFS to take all necessary actions to respond to wildfires to help protect communities; continues TFS for 12 years and authorizes TFS's current emergency management functions of training and maintaining incident response teams; authorizes TFS to involve the volunteer fire service in statewide fire response, and ensures these personnel have needed qualifications; requires TFS to develop a Texas Wildfire Protection Plan to be reported to the legislature; requires TFS to include criteria regarding wildfire risk and threat of loss to communities when awarding Volunteer Fire Department Assistance Program grants; authorizes TFS to allocate a portion of its Volunteer Fire Department Assistance Program funding to help volunteer fire departments meet cost-sharing requirements for federal grants; and requires the TFS to adopt

Volunteer Fire Department Assistance Program rules and hold public meetings when making program decisions.

The bill clarifies that TFS can reimburse a volunteer fire department for use of its equipment in statewide wildfire response, but cannot reimburse an individual firefighter for use of the equipment. The bill further clarifies that the agency may provide compensation for a firefighter's labor and expenses either to the individual firefighter or to a department that would in turn compensate the firefighter. This change would give the agency more flexibility to compensate volunteers depending on the size of their fire department.

The bill also removes language that allows TFS not to take public testimony at a meeting in which TFS makes a decision regarding the award of individual Volunteer Fire Department Assistance grants.

**SB 1518 by Eltife/Guillen - Relating to the powers and duties of the Texas Historical Commission; imposing a penalty.** This bill provides that any timber harvested by the Commission from any historic site must be only for forest management, salvage, or habitat restoration and consistent with good forestry practices and the advice of the Texas Forest Service.

## Texas Veterinary Medical Diagnostic Laboratory

**HB 414 by Aycock/Hegar** - Relating to the regulation of equine dentistry and the conducting of licensing examinations by the State Board of Veterinary Medical Examiners. HB 414 allows the Board to issue a special license to practice veterinary medicine to an applicant who is: (1) a member of the faculty or staff of a board-approved veterinary program at an institution of higher education; (2) a veterinarian employee of the Texas Animal Health Commission; (3) a veterinarian employee of the Texas Veterinary Medical Diagnostic Laboratory; or (4) a person licensed to practice veterinary medicine in another jurisdiction, if the board determines that the person's specialty practice is unrepresented or underrepresented in this state.

# Overview of Key Higher Education Legislation

## ACADEMIC RELATED LEGISLATION

**HB 33 by Branch/Zaffirini-- Relating to measures to increase the affordability of textbooks used for courses at public institutions of higher education.** The intent of this legislation is to mirror or complement the recent federal statute on this issue. The legislation requires each public and private higher education institution to compile course schedules for all courses for each semester or academic term and to include detailed information about each course's textbook requirements, to the extent practicable. The information has to include the book's, or other material's, retail price, author, publisher, most recent copyright date, and the ISBN, if any. No later than 30 days before the start of classes, institutions will be required to provide the information on their websites and with any course schedules provided in hard copy.

Institutions have to make the information available to college bookstores and other bookstores that generally serve the students of the institution. An institution is exempt from having to publish a textbook list or any revisions to that textbook list if a college bookstore, at the required times, published that list and revisions on its Internet website on behalf of the institution.

To allow for timely placement of textbook orders by students, each institution will have to establish a deadline for faculty members to submit information for the course schedule and textbook list. Institutions have to make reasonable efforts to disseminate to students, to the extent practicable, information on institutional programs for renting or buying used textbooks, guaranteed textbook buyback programs, alternative delivery of textbook content, and other available cost-saving strategies.

When providing information regarding textbooks or supplemental information to faculty members, publishers have to provide written information that includes:

- The price of the textbook or supplemental material to college bookstores or other bookstores that serve students; the copyright dates of the current and three preceding editions of the textbook; a description of any substantial content revisions between the current edition of the textbook or supplemental material and the most recent preceding edition of the textbook or supplemental material, including new chapters, new material covering additional time periods, new themes, or new subject matter.
- Textbook publishers have to provide to faculty information on whether the textbook or supplemental material is available in other formats, such as a paperback or an unbound version, and the price at which the publisher would make such materials in an alternative format available to bookstores.

The bill requires a textbook publisher to comply with the bill's requirements for a custom textbook—one that is compiled at the direction of a faculty member—only to the extent reasonably practicable. The bill restricts the bundling of materials for sale in a single package. These provisions apply beginning with the 2012 fall semester.

**HB 399 by Castro/Zaffirini-- Relating to requiring general academic teaching institutions to offer personal financial literacy training.** The bill authorizes the THECB by rule to require a general academic institution to offer training in personal financial literacy. It requires training to provide students of the institution with the knowledge and skills necessary to be self-supporting adults; to make important decisions relating to personal financial matters; and to determine the topics to be covered by the training, which may include budgeting, credit cards, spending, saving, loan repayment and consolidation, taxes, retirement planning, and financing of health care and other benefits. The bill authorizes THECB by rule to provide for the training to be offered in an online course. The bill adds a temporary provision, set to expire January 1, 2014, to require THECB to require general academic teaching institutions to offer the training as soon as THECB considers practical, but not later than the 2013 fall semester.

**HB 736 by Patrick, Diane/West-- Relating to online institution resumes for public institutions of higher education.** The legislation prescribes additional information regarding faculty numbers, teaching and research activities in the existing institutional resumes already codified, and adds additional categories to the resume requirements. Specifically, each general academic institution shall make available on the university's website the following:

- (1) the student/faculty ratio;
- (2) the percentage of all full-time equivalent faculty members with teaching responsibility who are tenured or tenure track;
- (3) the percentage of semester credit hours taken by students classified as freshmen or sophomores that are taught by tenured and tenure track faculty members;
- (4) the number of faculty members in each of the following faculty ranks, including a breakdown for each rank showing the numbers of faculty members by race, ethnicity, and gender:
  - (A) professor;
  - (B) associate professor;
  - (C) assistant professor;
  - (D) instructor;
  - (E) nontenured or nontenure track; and
  - (F) teaching assistant;
- (5) average faculty salaries by rank;
- (6) the amount of money appropriated by the legislature per full-time equivalent faculty member and full-time equivalent student;
- (7) the total revenue the institution spent per full-time equivalent faculty member and full-time equivalent student;
- (8) the amount of federal and private research expenditures per tenured or tenure track full-time equivalent faculty member;
- (9) the number and percentage of faculty members holding extramural research grants;
- (10) the number and names of awards to faculty members from nationally recognized entities, including those identified by The Center for Measuring University Performance; and
- (11) the number of endowed professorships or chairs.

Further, the bill requires an institutional posting of loan and scholarship information. An institution may satisfy a requirement regarding student loan, grant, or scholarship information by linking

the online resume of the institution to that information as it appears on the website known as "College Navigator." The bill adds to the existing online reporting requirements the five-year graduation rates. It requires the corresponding percentage of the institution's operating budget for that state fiscal year that is represented by the total amount of money appropriated by the legislature; and the total amount of federal funds from all federal sources, including grants and research funds, received by the institution in that state fiscal year and the corresponding percentage of the institution's operating budget for that state fiscal year represented by the total amount of federal funds; the total academic costs charged to students by the institution in that state fiscal year and the corresponding percentage of the institution's operating budget for that state fiscal year represented by the total academic costs; and the total amount of money from any source available to the institution in that state fiscal year. The resume must include under the heading "COSTS" the average annual amount and percentage by which the total academic costs charged to a resident undergraduate student enrolled in 30 semester credit hours have increased in each of the five most recent state fiscal years for which the information is available: (1) at the institution; and (2) at the institution's in-state and out-of-state peer institutions.

The bill requires a listing of the percentage of students enrolled in the institution who are enrolled in one or more developmental education courses; and the percentage of students enrolled in the institution who are enrolled in one or more dual credit courses. It also requires disclosure of the total amount of federal funds received from all federal sources, including grants and research funds, received by the institution in that state fiscal year and the corresponding percentage of the institution's operating budget for that state fiscal year represented by the total amount of federal funds, and the total academic costs charged to students by the institution in that state fiscal year and the corresponding percentage of the institution's operating budget for that state fiscal year represented by the total academic costs.

The resume must include under the heading "COSTS" the average annual amount and percentage by which the total academic costs charged to a student enrolled in 30 semester credit hours toward a two-year degree or certificate have increased in each of the five most recent state fiscal years for which the information is available: (1) at the institution; and (2) at the institution's in-state peer institutions. The legislation also includes online information and comparison tools regarding career schools.

**HB 1244 by Castro/West-- Relating to developmental education courses and the assessment of student readiness under the Texas Success Initiative for public institutions of higher education.**

Amends the current statute regarding THECB's developmental education Success Initiative. Instead of more than one set standard, the provision requires a single standard for each assessment instrument to measure student readiness based on current research. It also requires an institution to offer developmental coursework, including online coursework, that efficiently uses technology geared toward the student. An institution of higher education must base developmental coursework on research-based best practices that include the following components: assessment; differentiated placement and instruction; faculty development; support services; program evaluation; integration of technology with an emphasis on instructional support programs; non-course-based developmental education interventions; and course pairing of developmental education courses with credit-bearing courses.

The governing board of an institution of higher education may exempt from tuition authorized by this chapter a student who is participating in an approved non-semester-length developmental education intervention (including course-based, non-course-based, alternative-entry/exit, and other intensive developmental education activities).

**HB 1797 by Naishtat/Rodriguez - Relating to a person's eligibility to obtain a license in social work and to an exemption from the licensing requirement.** HB 1797 makes clear that educators who teach social work at institutions of higher education are not required to hold a license from the Texas State Board of Social Worker Examiners if they are not otherwise engaged in the practice of social work.

**HB 2909 by Branch/Shapiro-- Relating to increasing awareness in this state of the importance of higher education.** Changes the name of THECB public education campaign from "EDUCATION: GO GET IT" to "GENERATION TEXAS." The new law adds to the existing statute regarding this campaign that college readiness materials must be included in outreach efforts. It also increases the public members on the campaign advisory council from three to six, and provides that coordination with TEA and the P-16 Council must occur.

**HB 2910 by Branch/Zaffirini-- Relating to agreements between the Texas Higher Education Coordinating Board and certain organizations for increasing degree completion rates.** Under provisions of the bill, THECB can, in partnership with institutions of higher education, enter into an agreement with a non-profit organization to assist THECB in identifying and implementing effective methods for increasing degree completion rates at institutions of higher education. The law identifies certain areas to be examined. THECB could also establish a grant program to fund projects relating to the improvement of degree completion rates. The law also creates the Texas Science, Technology, Engineering, and Mathematics Challenge Scholarship Program. The program would be administered by THECB. The new law establishes eligibility requirements for students and institutions. Under provisions of the bill, certain public and private two year institutions would enter into partnerships with businesses and industries to identify local employment needs in STEM fields and provide part-time employment for students enrolled in a STEM program. Under these provisions, subject to available funding, the Board can award scholarships, with at least 50 percent of the amount awarded from private funds.

**HB 3025 by Branch/Zaffirini-- Relating to the filing of a degree plan by undergraduate students at public institutions of higher education.** After 45 completed SCH's (including transfer and dual credit), a student must file a degree plan. If a student to whom this section applies does not timely file a degree plan, the institution shall notify the student that the degree plan is required by law and require the student to consult with an academic advisor. The student may not obtain an official transcript from the institution until the student has filed a degree plan with the institution. The bill also contains a provision relating to a "reverse degree." When a transfer student from a community college attains enough hours at a general academic institution to be awarded an associate's degree, the general academic institution shall ask the student for permission to send the completed credit information to the community college so that an associate's degree may be awarded.

**HB 3468 by Patrick, Dianne /Shapiro-- Relating to the assessment of public school students for college readiness and developmental education courses to prepare students for college-level coursework.** The bill requires the TEA, in coordination with THECB, to conduct a study of best practices related to college readiness and submit a related report to the Legislature and the Governor no later than December 1, 2012. The bill requires TEA and THECB to review the standardized adult basic education assessment and recommend changes.

**HB 3708 by Hochberg/Zaffirini – Relating to measures regarding high school completion and enrollment in higher education.** The bill mainly relates to community college programs. However a section in the bill repeals the Texas Save and Match Program under current law and creates a new Texas Save and Match Program. The program would match money contributed to a higher education savings account under a prepaid tuition contract with funds generated from individual contributions to the program or appropriated funds. The bill provides for the Prepaid Higher Education Tuition Board (the Board) with the powers necessary or proper to carry out its duties in administering the program. The bill authorizes a nonprofit organization established by law to implement the program to be considered an eligible charitable organization under the state employee charitable campaign.

The bill specifies initial eligibility requirements and limitations; authorizes the Board to solicit and accept gifts, grants, and donations; and authorizes the Board to use legislative appropriations for pilot projects to incentivize participation in higher education savings or prepaid tuition programs. The bill establishes the Texas Save and Match Trust Fund (fund); provides for investment of money in the fund; authorizes money in the fund to be spent without appropriation; and authorizes the Board to hold and manage funds of a related program entity. The bill would exempt a beneficiary's assets in a higher education savings plan, prepaid tuition contract, or related matching account from determination of eligibility for TEXAS grants or any other state-funded student financial assistance. The bill amends the Health and Safety Code and the Human Resources Code to also exclude these assets from the determination of eligibility for the child health plan, financial assistance programs, and medical assistance programs.

**SB 29 by Zaffirini/Branch-- Relating to the eligibility of certain postdoctoral fellows and graduate students to participate in health benefit programs at public institutions of higher education.** Allows for the provision of health benefits for individuals currently not receiving benefits but who are receiving a postdoctoral fellowship; or one or more graduate student fellowships awarded to the individual on a competitive basis that, either singly or in combination, are valued at not less than \$10,000 per year; and is currently receiving a stipend from an applicable fellowship. An individual who is eligible to participate in the group benefits program under this section shall pay all contributions required for the coverage selected by the individual, except that an institution of higher education may make contributions for the individual from available funds other than money appropriated to the institution from the general revenue fund. An individual who participates in this group benefits program is not considered an employee of an institution of higher education solely as a result of the individual's participation in the program. Dependents are eligible for coverage.

**SB 36 by Zaffirini/Castro-- Relating to methods for increasing student success and degree completion at public institutions of higher education.** The new law requires the THECB to establish a method for assessing the quality and effectiveness of academic advising services available to students at each institution. The method of assessment must include the use of student surveys and identify quantifiable measures for an assessment. The method of assessment shall be established by the THECB not later than September 1, 2012.

**SB 149 by West/Castro – Relating to rules adopted and reporting required under the school district college credit program.** This new provision amends existing law regarding college credit. In addition to the commissioner of education now enabled to make rules under this section regarding school districts,



THECB may now also adopt rules as necessary concerning the duties of public institutions of higher education. The two bodies shall share data as necessary to enable school districts to comply with this provision. And THECB shall collect student course credit data from institutions as necessary.

**SB 162 by Shapiro/Branch-- Relating to developing a developmental education plan for students entering public institutions of higher education.** The new law requires THECB to develop a statewide plan that focuses on the delivery of developmental education at public junior colleges, public state colleges, and public technical institutes. The THECB plan focuses on utilizing technology to individualize plans for each student and to reach a greater number of students. Developmental education under the plan must include: technological delivery of developmental education courses; diagnostic assessments; modular developmental education course materials; use of tutors and instructional aides to supplement instruction; an internal monitoring system to identify student difficulties; periodic updates of developmental education course materials; and assessments after completion of a developmental education course to determine a student's readiness to enroll in college freshman-level academic courses.

To develop the THECB plan, the bill requires the THECB to research relevant issues, study best practices for successful programs to effectively educate students, and assess various delivery methods for developmental education for statewide implementation. This bill requires the THECB plan to include ongoing training for developmental education faculty members, tutors, and instructional aides at the institution where instruction is provided. Ongoing research and improvement of appropriate developmental education programs, also required by the bill, would include participation of a faculty member group selected by the THECB board.

**SB 419 by West/Patrick, Dan-- Relating to prohibiting state funding to public junior colleges for physical education courses offered for joint high school and junior college credit.** This bill excludes the contact hours attributable to a joint high school and junior college credit course for which a high school student may receive course credit toward the physical education curriculum requirement.

**SB 866 by Deuell/Jackson-- Relating to the education of public school students with dyslexia, the education and training of educators who teach students with dyslexia, and the assessment of students with dyslexia attending an institution of higher education.** The new law adds to current certification for teachers that they must receive instruction in detection and education of students with dyslexia. The bill adds other dyslexia related issues relating to public schools. It further requires that institutions of higher education may not reassess a student determined to have dyslexia for the purpose of assessing the student's need for accommodations until the institution reevaluates the information obtained from previous assessments of the student.

**SB 1009 by Huffman/Sheffield-- Relating to requiring public institutions of higher education to notify the federal Student Exchange and Visitor Information System (SEVIS) regarding the withdrawal or nonattendance of certain foreign students.** A public institution of higher education shall promptly notify the federal Student and Exchange Visitor Information System (SEVIS) or a successor program if: (1) a student enrolled under an F or M visa withdraws from the institution or withdraws from all courses in which the student is enrolled; or (2) the institution dismisses a student enrolled under an F or M visa for nonattendance or takes any other official administrative action in regard to the student as a result of the student's nonattendance. The federal law requires a 21 day period to gather facts and then report.

**SB 1619 by Duncan/Aycock—Relating to participation of public high school students in college credit programs.** SB 1619 amends existing law regarding dual credit programs so that if a student takes a course under the college credit program provided by an institution of higher education, then the time of the student shall be counted in the public school's average daily attendance.

**SB 1620 by Duncan/Aycock-- Relating to an approval process for substitution of certain career and technology courses for mathematics and science courses otherwise required under the recommended and advanced high school programs.** The bill requires the State Board of Education to establish an approval process that allows certain career and technology courses to be eligible for mathematics and science credit under the recommended high school program. These courses include applied Science, Technology, Engineering, and Mathematics (STEM) courses that meet specific criteria designated in the bill. The bill requires teachers to pass a certification test administered by the organization that created the curriculum on which the STEM course is based; and to have at least an associate degree as well as three years of work experience in the occupation for which the STEM course is intended to prepare students. The Commissioner of Education is required to implement the new process by September 1, 2012.

**SB 1726 by Zaffirini/Branch-- Relating to the development of measurable learning outcomes for undergraduate courses at public institutions of higher education.** The bill relates to the development of measurable learning outcomes for certain undergraduate courses at public institutions of higher education. Under provisions of the bill, each institution of higher education shall identify, adopt, and make available for public inspection measurable learning outcomes for certain undergraduate courses offered by the institution. Some courses are not subject to these requirements: a course with a highly variable subject content that is tailored specifically to an individual student, such as an independent study or directed reading course; or a laboratory, practicum, or discussion section that is an intrinsic and required component of a lecture course. The institutions could adopt learning outcomes under the new provision that are the same as or based on those identified for that course by the institution's recognized accrediting agency.

**SB 1736 by Van de Putte/Castro-- Relating to the establishment of the College Credit for Heroes program.** Creates a new program to be administered by the Texas Workforce Commission. The College Credit for Heroes demonstration program. The purpose is to identify, develop and support methods to maximize academic or workforce education credit awarded by institution to veterans and service members for military experience, education and training obtained during military service in order to expedite the entry of veterans and military members into the workforce. The commission shall work with institutions and THECB. No later than November 1, 2012 the commission working with THECB shall make a report regarding grant awards and best practices, and needed measures facilitate awards.

## **FINANCE / TUITION / FINANCIAL AID/ RELATED LEGISLATION**

**HB 9 by Branch/Zaffirini-- Relating to student success-based funding for and reporting regarding public institutions of higher education.** The bill requires the general academic Formula Advisory Committee (FAC) in preparing its recommended formulas to consider the THECB's success based model. A priority

in that formula is to be based on total number of degrees completed, degrees completed in critical fields (as defined by THECB), degrees for at-risk students, and the six year graduation rate compared to the predicted six year graduation rate for a university.

The FAC must comprise representatives chosen from a cross-section of institutions representing each of the institutional groupings under the board's accountability system. The board's recommendations must provide alternative approaches for applying the success measures and must compare the effects on distribution of funding of applying the success measures within the formula for base funding to applying the success measures as a separate formula. Not more than 10 percent of the total amount of general revenue appropriations of base funds for undergraduate education recommended by the board for a state fiscal biennium may be based on student success measures.

**HB 992 by Castro/Zaffirini-- Relating to excess undergraduate credit hours at public institutions of higher education.** Amends the current statutes regarding the number of drops a student may utilize at an institution and how such courses are counted for formula purposes. An institution of higher education shall provide written notice to each undergraduate student of the provisions of this section before the end of the first semester in which the student is enrolled in the institution. The notice required by this subsection may be delivered by electronic mail or other method of written communication, as determined by the institution.

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Adds to the education code another condition in which certain courses are not counted for the purposes of determining whether the student has previously earned credit: semester credit hours earned by the student before receiving an associate degree that has been previously awarded to the student in excess of the number of semester credit hours required for the completion of that degree.

***Veto Statement:*** *House Bill 992 would exempt community college semester credit hours, other than those required for a baccalaureate degree, from counting against the excess semester credit hour cap, which is 30 hours above the degree requirement. House Bill 992 removes important incentives for students and community colleges to focus on degree completion.*

*House Bill 992 would encourage students to waste time and money, along with taxpayer dollars, and would prevent students and community colleges from being held accountable for responsible academic planning and advising.*

*Rather than exempt non-required community college courses from the excess semester credit hour cap, a better solution is to improve matriculation agreements and student advising so students can transfer more hours that do count toward degree completion.*

**HB 1000 by Branch/Zaffirini-- Relating to the distribution of money appropriated from the national research university fund and to one or more audits of the information necessary to establish eligibility for that distribution.** Currently, the Texas Constitution authorizes the legislature to appropriate up to 7 percent of the average net market value of the investment assets of the NRUF corpus, provided the 10-year purchasing power of the corpus is preserved. The bill stipulates that the total amount appropriated from the NRUF corpus for any state fiscal year could not exceed an amount equal to 4.5 percent of the average net market value of the investment assets of the NRUF for the 12 previous consecutive state fiscal quarters ending with the last quarter of the preceding state fiscal year, as determined by the Comptroller. The bill would also establish an equal share distribution methodology based on the number of institutions eligible to receive appropriations of NRUF proceeds.

**HB 1163 by Keffer/Hegar-- Relating to tuition and fee exemptions at public institutions of higher education for certain peace officers and firefighters.** Requires institutions to exempt criminal justice or law enforcement courses for an undergraduate who is a peace officer and making satisfactory progress towards a degree. Restrictions do apply relating to excess hours under current law and class size. THECB shall write rules relating to eligibility and a list of programs statewide covered by this provision.

**HB 1341 by Walle/Zaffirini-- Relating to the manner of payment of tuition and mandatory fees at public institutions of higher education.** This provision clarifies confusing or conflicting rules regarding payment of tuition and fees. All references to fees are now "mandatory fees"; fall and spring semesters are now "a semester or term of 10 weeks or longer"; full payment due dates and installment payment due dates are now set by each institution; payment due dates set by each institution may not be later the date established by THECB for certifying student enrollment for purposes of formula funding. Also payments may be made after the established due dates on unpaid balances resulting from an adjustment to a student's enrollment status or an administrative action, or, unpaid balances that represent less than 5% of the total amount of tuition and mandatory fees charged to a student for that semester or term. The new law also amends Sections 54.0071 (a), (b), (c), and (e) of the Education Code to change references to fees from "fees" to "mandatory fees." The changes in law made by this Act apply beginning with the payment of tuition and fees at a public institution of higher education for the 2011 fall semester.

**HB 2911 by Branch/Patrick-- Relating to guaranteed student loans and alternative education loans.** Adds alternative education loans to the TGSLC eligible portfolio.

**HB 2999 by Lewis/Zaffirini-- Relating to a fixed tuition rate program for certain students who transfer to a state university after completing an associate degree program.** A general academic teaching institution may develop a fixed tuition rate program for qualified students who agree to transfer to the institution within 12 months after successfully earning an associate degree at a lower-division institution of higher education. Under a program developed under this section, a general academic teaching institution must: (1) guarantee transfer admission to the institution within the period described above to a participating student enrolled in an associate degree program at a lower-division institution on successful completion of the associate degree program; and (2) charge tuition to a participating student for any semester or other academic term during a period of at least 24 months following the student's initial enrollment in the institution at the same rate the general academic teaching institution would have charged to the student during the later of: (A) the fall semester of the student's freshman year at another institution of higher education had the student entered the general academic teaching institution as a freshman student; or (B) the fall semester of the second academic year preceding the academic year of the student's initial enrollment in the general academic teaching institution. A general academic teaching institution that develops a fixed tuition rate program under this section shall prescribe eligibility requirements for participation in the program and notify applicants for transfer admission from lower-division institutions of higher education regarding the program.

**HB 3470 by Patrick, Diane/Ogden-- Relating to the Texas Armed Services Scholarship Program.** Clarifies the existing ROTC scholarship program. The legislation allows non-freshmen to be eligible (transfers); adds the Texas State Guard, United States Coast Guard and United States Merchant Marines as eligible branches; and allows a cadet to receive this scholarship and also a military branch contract

scholarship with limitations. Under previous requirements, a student receiving a branch scholarship was prohibited from receiving a state ROTC scholarship.

**HB 3577 by Gonzales/Zaffirini - Relating to eligibility requirements for the Texas Educational Opportunity Grant.** HB 3577 establishes requirements for the receipt of a TEXAS Grant and a Texas Educational Opportunity Grant. HB 3577 provides that a student eligible to receive both a TEXAS grant and a Texas Educational Opportunity Grant to receive only one grant for the same academic term.

**HB 3578 by Gonzales, Larry/Zaffirini-- Relating to clarification of the authorized uses for loans under public institution of higher education emergency loan programs.** The new law relates to clarification of authorized use for loans under public institutions of higher education emergency loan programs. The bill amends Section 56.053(a) of the Education Code to adjust the maximum emergency loan amount allowable to include calculation of the cost of textbooks for the courses in which the student is actually enrolling.

**SB 28 by Zaffirini/Branch-- Relating to eligibility for a TEXAS grant and to administration of the TEXAS grant program.** Establishes a priority model for allocating TEXAS Grant funds to students that graduate after May 2013.

1. Provides that TEXAS Grant allocations to students are to be based on a set of performance criteria. If funds are still available after allocation to priority students, institutions may allocate remaining funds under the broader, non-priority model criteria. Priority criteria include:
  - (A) Be a graduate of a public or accredited private high school who completed the state's recommended high school program and have achieved any two or more of the following:
    - earned graduation under the advanced high school program, successful completion of the course requirements of the International Baccalaureate diploma program, or earned the equivalent of at least 12 semester credit hours of college credit in high school through dual credit courses;
    - satisfy the Texas Success Initiative (TSI) college readiness benchmarks on any assessment instrument designated by the THECB;
    - graduate in the top one-third of the person's high school graduating class or graduate from high school with a grade point average of at least 3.0 on a 4.0 scale or the equivalent; or
    - complete for high school credit at least one advanced mathematics course following the successful completion of an Algebra II course, or at least one advanced career and technical course.
  - (B) Earn and receive an associate degree from a public or private institution.
  - (C) If sufficient funds are available, meet the criteria of the advanced high school curriculum.
2. The bill establishes an additional priority threshold--Expected Family Contribution (EFC) of less than 60 percent of statewide average tuition and fees.

3. It also prevents the THECB from changing the proportion of funds allocated to an institution due to different level of priority students. But the THECB has rulemaking authority regarding the provision.
4. The bill allows students enrolled in certificate programs to be eligible for TEXAS Grants.
5. It requires awards in reverse rank order of the EFC.
6. Enables eligible students entering military service to retain TEXAS Grant eligibility for the year following their honorable discharge if they re-enroll at a three-fourths course load.
7. And students retain eligibility whose initial year of eligibility coincides with a year in which the legislature funds less than 10 percent of initial TEXAS Grants.

**SB 32 by Zaffirini/Branch-- Relating to the consolidation of related higher education programs governing tuition, fee exemptions, and waivers respective to specific target populations.** The bill consolidates all tuition exemptions and waivers into one chapter of the Texas Education Code and amends statutory provisions governing tuition, fee exemptions, and waivers respective to specific target populations in higher education. The bill also clarifies which programs are optional or mandatory, and reimbursed or unreimbursed. This bill allows governing boards to waive all or part of designated tuition or student services fees in case of undue economic hardship on students. Institutions may not grant waivers for student service fees to more than 10 percent of the institution's total enrollment for that semester.

**SB 40 by Zaffirini/Callegari-- Relating to the functions of the Texas Guaranteed Student Loan Corporation.** The bill amends Chapter 57 of the Education Code, relating to the functions of the Texas Guaranteed Student Loan Corporation. The new law stipulates that the state auditor would be required to periodically review the corporation's activities consistent with the state auditor's audit plan.

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**SB 176 by Huffman/Branch-- Relating to student eligibility for tuition rebates offered by general academic teaching institutions.** The bill amends the eligibility requirements under Education Code Section 54.0065(a) for receiving a \$1000 rebate of tuition by no longer counting dual-credit high school courses against the hour limitation.

**SB 639 by Van de Putte/Branch-- Relating to tuition and fee exemptions at public institutions of higher education for certain military personnel, veterans, and dependents residing in this state.** The bill requires that military persons reside in the State of Texas to receive an exemption, and, in the event of their death, their remaining unused exemption may be designated to a child of the eligible person by the deceased person's spouse, or, by the conservator, guardian, custodian, or other legally designated caretaker of the child. Under provisions of the bill, the THECB shall prescribe procedures by which a child who suffered from a debilitating condition that affected the child's ability to use an exemption before reaching the age limit may be granted additional time to use the exemption.

The bill adds Section 54.2031 to the Education Code to exempt from tuition payments any dependent children of Texas residents who are members of the United States armed forces deployed on combat duty outside the United States. A person may not receive exemptions in excess of 150 SCH, and, is not eligible for any exemption if the person is in default on a loan made or guaranteed for educational purposes by the State of Texas. Institutions are allowed to assess fees for extraordinary costs associated with specific courses or programs which will not be covered by exemption. Institutions may not consider a person's eligibility for this exemption in their admission decision regarding that person. The

legislature shall, based on availability, provide sufficient funds to cover the full costs of the exemptions provided for by this section. The change in law made by this Act applies beginning with tuition and fees for the 2011 fall semester.

**SB 777 by Williams/Otto-- Relating to re-creating the scholarship trust fund for fifth-year accounting students as a trust fund outside the treasury.** The bill reenacts portions of the Occupations Code to re-create the scholarship trust fund as a trust fund outside the state treasury for the purpose of enabling the Texas State Board of Public Accountancy to provide scholarships to fifth-year accounting students. The bill would also reenact requirements relating to administrative costs for the program.

**SB 851 by Zaffirini/Branch-- Relating to a uniform deadline for student financial assistance for public institutions of higher education other than public junior colleges.** Under provisions of the bill, THECB would provide a uniform priority deadline for applications for financial assistance for an academic year for general academic teaching institutions. The priority deadline may not serve as a determination of eligibility for state financial assistance, but otherwise eligible applicants who apply on or before the deadline shall be given priority consideration for available state financial assistance before other applicants. The THECB would consult with financial aid personnel at institutions in adopting rules providing for the deadline.

**SB 1799 by West/Branch-- Relating to the student loan program administered by the Texas Higher Education Coordinating Board.** The bill adds Section 50b-7, Article III of the Texas Constitution to a list of sections that provide THECB authority to issue general obligation bonds to finance educational loans. The bill also amends Section 52.82 of the Education Code to match language in Section 50b-7, Article III of the Constitution which authorizes an aggregate principal amount of bonds to be issued. Section 52.82 is also amended to allow for an increase in the maximum amount of bonds issued per fiscal year from \$125 million to \$350 million. It is anticipated that the general obligation bonds issued under the debt authorized by the bill would be self-supporting, with the debt service being paid by sources other than General Revenue.

**SJR 50 by West/Branch-- Amendment providing for the issuance of general obligation bonds to finance educational loans to students and for authority to enter into bond enhancement agreements with respect to general obligation bonds issued for that purpose.** The proposed amendment would authorize the Legislature by general law to authorize THECB to issue general obligation bonds of the state for the purpose of financing education loans to students. The principal amount of the outstanding bonds issued must at all times be equal or less than the aggregate principal amount of the state general obligation bonds previously authorized for that purpose by any other provision or former provision of the constitution. It is anticipated that the general obligation bonds issued under the debt authorized by this joint resolution would be self-supporting, with the debt service being paid by sources other than General Revenue. Therefore, this debt authority would not be included in the constitutional debt limit. The bill states an election will be held on November 8, 2011 for voter approval on the following: "The constitutional amendment providing for the issuance of general obligation bonds of the State of Texas to finance educational loans to students."

## **STUDENT AFFAIRS RELATED LEGISLATION**

**HB 452 by Lucio/Lucio-- Relating to temporary housing between academic terms for certain postsecondary students who have been under the conservatorship of the Department of Family and Protective Services.** The legislation requires a higher education institution to help an eligible student locate temporary housing between academic terms upon the student's request. Students would be eligible if they are under the conservatorship of the Department of Family and Protective Services immediately before turning 18 or becoming a legal adult, lacked housing between academic terms, and enrolled full-time before or registered full-time after the period when housing assistance was needed. Additionally, the bill allows an institution to provide temporary housing or a stipend for temporary housing to eligible students. An institution may use gifts, grants, donations, or legislative appropriations to assist in the housing needs of former foster care children. It requires that grants and donations are to be used before appropriated funds.

**HB 2758 by Pena/Zaffirini-- Relating to mandatory emergency alert systems at institutions of higher education.** Requires each institution of higher education to establish an emergency alert system for the students, staff and faculty. Requires that the emergency alert system use e-mail or telephone notifications in addition to any other alert method the institution considers appropriate to provide timely notification of emergencies affecting the institution or its students and staff. Requires the institution at the time a student initially enrolls or registers for courses or a staff member begins employment to: (1) obtain a personal telephone number or e-mail address from the student or staff member to be used to notify the individual in the event of an emergency; and (2) register the student or staff member in the institution's emergency alert system. It authorizes a student or staff member to elect not to participate in an emergency alert system established under this section. Authorizes an election under this subsection to be submitted electronically or in writing, as chosen by the institution, and requires that the election be renewed at the start of each academic year. Provides that the personal identifying information obtained from an individual for the purpose of the emergency alert system of an institution of higher education, including an e-mail address or telephone number, is confidential and not subject to disclosure. The law requires each institution to implement the emergency alert system required by this section not later than the 2012 spring semester.

**SB 5 by Zaffirini/Branch - Relating to the administration and business affairs of public institutions of higher education.** Section 7.01 of SB 5 requires that student fee advisory committee meetings be open to the public. SB 5 requires the president of each institution of higher education to prescribe procedures to ensure open meetings, and it requires that final recommendations of the student fee advisory committee be recorded and made public.

**SB 1107 by Davis, Wendy/Howard, Charlie-- Relating to the vaccination against bacterial meningitis of first-time students at public and private or independent institutions of higher education.** The new law is known as the Jamie Schanbaum and Nicolis Williams Act. Nico Williams was a student at Texas A&M University that died from meningitis. The bill adds to the existing statute regarding vaccination against bacterial meningitis. It applies to entering students and does not apply to a student enrolled only in online or other distance education courses or who is 30 or more years of age. Currently, only students in on-campus housing must be vaccinated. A student can satisfy the law's requirements by providing



satisfactory evidence of a vaccination dose or booster during the five-year period preceding the date established by THECB. Institutions must provide along with registration materials written notice of the right of the student to claim an exemption and of the importance of consulting a physician about the need for immunization to prevent the disease. It also adds to current law that rules must include that the eligible student shall receive the vaccination not later than the 10<sup>th</sup> day before the first day of the semester unless an extension is granted.

**SB 1414 by Duncan/Eiland-- Relating to sexual abuse and child molestation training for volunteers and employees of certain programs for minors held on campuses of institutions of higher education.** The bill defines a campus program for minors, and requires that certain employees and volunteers who have contact with campers successfully complete the training and examination program on sexual abuse and child molestation, or provide documentation that they have completed the training within the preceding two years. The bill requires that program operators submit to the Department of State Health Services (DSHS) verification that all employees have complied with these requirements and retain that documentation for two years. The bill authorizes DSHS to assess a fee in the amount necessary to cover the costs of administering this section. A person who violates a rule adopted under this section will be subject to enforcement provisions as detailed in Section 141.015, Health and Safety Code.

By December 1, 2011, the executive commissioner of the Health and Human Services Commission (HHSC) shall establish criteria and guidelines for the training and examination program on sexual abuse and child molestation as required by the bill. Providers are not required to comply with the requirements in the bill before June 1, 2012.

## **RESEARCH RELATED LEGISLATION**

**HB 2457 by Davis, John/Jackson-- Relating to the amendment of Texas Enterprise Fund grant agreements.** Removes the requirement that the prior approval the governor must have from the lieutenant governor and speaker before awarding funds be express written approval. The bill establishes that an award from the fund is considered disapproved by the lieutenant governor or speaker if that officer does not approve the proposal to award funding before the 91<sup>st</sup> day after the date of receipt of the proposal from the governor. It also allows for some extension under certain circumstances. It requires a grant agreement to contain a provision requiring the creation of a minimum number of jobs in the state and specifies the date by which the recipient intends to create those jobs. Also requires that if the recipient does not meet job creation performance targets, the recipient is required to repay the grant under certain prorated conditions. The bill changes the yearly reporting date to January 31 and adds additional jobs related data to existing reporting data including the methodology used in counting the jobs. It also adds some disclosure restrictions regarding board members.

**HB 2631 by Branch/Zaffirini-- Relating to the advanced research program.** Changes the name of the Advanced Research Program to the Norman Hackerman Advanced Research Program.

**SB 988 by Van de Putte/Larson - Relating to the creation of a cyber-security, education, and economic development council.** SB 988 establishes the Cyber-security, Education, and Economic Development Council. The bill would require the Council to meet at least quarterly at the call of the presiding officer and conduct an interim study and make recommendations to improve the infrastructure of the state's

cyber-security operations with existing resources to the executive director of the Department of Information Resources. Two of the nine members of the Council will be representatives from institutions of higher education with cyber-security –related programs. The Council may request assistance from state agencies. The Council is required to submit a report on its findings to the executive director, the governor, the lieutenant governor, the speaker of the house of representatives, and various legislative committee members.

**SB 1047 by Jackson/Davis, John-- Relating to the eligibility of an innovation and commercialization organization associated with the Lyndon B. Johnson Space Center to receive funding from the Texas Emerging Technology Fund.** Expands eligible entities under the Texas Emerging Technology Fund. The new law adds to the existing eligible public institutions of higher education certain research institutions that are innovation and commercialization organizations associated with the Johnson Space Center.

### **BOARD OF REGENTS/OPEN MEETING/OPEN RECORDS RELATED LEGISLATION**

**HB 1206 by Guillen/Zaffirini-- Relating to training for members of governing boards of public junior college districts.** The bill adds training of community colleges' board members to the existing university board training statute. It also adds that THECB shall provide an equivalent training program by electronic means in the event a member of a governing board is unable to attend the training program. Completion of the training program by electronic means is deemed to satisfy the requirements of the law.

**SB 5 by Zaffirini/Branch - Relating to the administration and business affairs of public institutions of higher education.** Section 2.01 of the bill modernizes and clarifies rules regarding Board of Regents contract relationships with businesses. The legislation patterns statute after similar law governing local government officials in Chapter 171, Local Government Code, under which a board member with a substantial interest in a business entity with which the institution seeks to contract must declare the interest and abstain from voting on the contract.

Section 6.04 of SB 5 amends statute as it relates to the confidentiality of certain information relating to research and commercialization. It removes from the Public Information Act, Ch. 552, Government Code (PIA) information that would reveal the institution's plans or negotiations for commercialization, the institution's plans or negotiations for research, or unpublished research results or data. It does not apply to information that has been published, patented, or is otherwise subject to an executed license, sponsored research agreement, or research contract or grant.

Section 5.01 amends Section 552.123 of the PIA by excepting from disclosure not only the name of any applicant for the position of chief executive officer of an institution of higher education, but also other information that would tend to identify the applicant.

**SB 602 by Rodriguez/Marquez - Relating to confidential information under the public information law and to procedures and deadlines under the public information law in relation to the redaction of certain confidential information by a governmental body.** SB 602 allows governmental entities to redact certain personal information requested under the Public Information Act (PIA) without requiring a decision from the attorney general. Specific types of personal information referenced in the bill include: vehicle license data; vehicle registration data; personal identification data; and credit card,

debit card, charge card, and access card numbers. The bill allows requestors receiving redacted information to seek an attorney general's decision. The Office of the Attorney General must establish procedures and deadlines for this appeal process and will be required to issue a decision on the requestor's appeal not later than the 45th business day after receiving the requestor's request for a decision.

SB 602 clarifies that personal email addresses and telephone numbers maintained by an institution of higher education emergency notification system are confidential and not subject to disclosure under the PIA. The bill also clarifies the determination of when a PIA request is officially received by a governmental body by mail, to the extent that the entity cannot otherwise determine when the request was received.

SB 602 amends Section 552.022 of the PIA to clarify that the categories of information listed in that section are expressly public unless made confidential under the PIA or other law. The relationship between section 552.022 and exceptions to disclosure under the PIA has been confusing, and this bill provides much clarification. Also, the bill amends the section headings of many exceptions to disclosure in the PIA to indicate that the specific provisions make information confidential, not simply excepted from disclosure.

SB 602 also amends the PIA by providing that when a requestor modifies a request in response to the requirement of a deposit or bond as part of the governmental body's cost estimate, the modified request is considered a separate request for the purposes of this chapter and is considered received on the date the governmental body receives the written modified request.

SB 602 takes effect September 1, 2011 and applies only to requests received on or after that date.

**SB 1638 by Davis/Geren - Relating to the exception of certain personal information from required disclosure under the public information law.** SB 1638 amends the Public Information Act to generally exempt from disclosure: (1) a current or former employee's emergency contact information; (2) motor vehicle record or personal identification information from another state or country; and (3) a copy of an identification badge issued to an official employee of a governmental entity.

**SB 1907 by Wentworth/ Geren - Relating to access to certain archaic information.** SB 1907 amends the PIA to provide that certain non-confidential information excepted from disclosure under the PIA becomes public information on or after the 75th anniversary of the date the information was created or received by the governmental body. The bill amends the Local Government Code and Occupations Code to include in this category a birth record maintained by a local registrar and medical records at least 75 years old that are requested for historical purposes. Currently, these categories of medical records are open to public inspection when the records are at least 100 years old.

**SB 1327 by Watson/Howard – Relating to the confidentiality of information obtained by a compliance officer of an institution of higher education.** SB 1327 amends Section 51.971 of the Education Code by clarifying that the information excepted from disclosure under the PIA includes information collected or produced in a compliance program investigation, if releasing the information would interfere with an ongoing compliance investigation or if the information is collected or produced by a systemwide compliance officer for the purpose of reviewing compliance processes at a component institution of the system. Also, SB 1327 clarifies that the information made confidential or excepted from disclosure may be provided on request to a governmental agency that is the subject of a compliance report, such as the

Texas Workforce Commission civil rights division. SB 1327 also provides that such information can be provided to an officer/employee of an institution of higher education or a system compliance officer/employee responsible under institution/system policy for a compliance program investigation. Finally, SB 1327 clarifies that these disclosures to the listed individuals are **not** voluntary disclosures under the PIA that transform the information into public information.

## **GENERAL OPERATIONS RELATED LEGISLATION**

**HB 51 by Lucio/Hinojosa - Relating to energy efficiency standards for certain buildings and to high-performance design, construction, and renovation standards for certain buildings and facilities of institutions of higher education.** HB 51 would establish high-performance sustainable-design standards for the construction or renovation of state buildings, including those of institutions of higher education. The State Energy Conservation Office (SECO) would be responsible for setting, with the assistance of an advisory commission, applicable design and construction standards. HB 51 clarifies that higher education facilities must be designed and constructed to comply with the applicable energy and water conservation standards unless compliance with those standards is impractical. If the standards are found impractical, an institution must notify the State Energy Conservation Office (SECO) of the determination and provide supporting documentation. The legislation only applies to revenue bond financed higher education facilities for which a contract for design services is entered into on or after September 1, 2013, that are new construction projects, renovations that cost more than \$2 million, or renovations that cost less than \$2 million, but are for more than 50% of the value of the facility.

**HB 452 by Lucio/Lucio-- Relating to temporary housing between academic terms for certain postsecondary students who have been under the conservatorship of the Department of Family and Protective Services.** The legislation requires a higher education institution to help an eligible student locate temporary housing between academic terms upon the student's request. Students would be eligible if they are under the conservatorship of the Department of Family and Protective Services immediately before turning 18 or becoming a legal adult, lacked housing between academic terms, and enrolled full-time before or registered full-time after the period when housing assistance was needed. Additionally, the bill allows an institution to provide temporary housing or a stipend for temporary housing to eligible students. An institution may use gifts, grants, donations, or legislative appropriations to assist in the housing needs of former foster care children. It requires that grants and donations are to be used before appropriated funds.

**HB 628 by Callegari/Jackson – Relating to contracts by governmental entities and related professional services and to public works performance and payment bonds.** HB 628 consolidates alternate project delivery processes for most governmental entities into a single chapter of the Government Code (2267). However, the bill does not apply to institutions of higher education, other than public junior colleges.

**HB 726 by Sheffield/Huffman - Relating to the electronic distribution of information to legislators by state agencies.** HB 726 amends Sections 2052.002 and 2052.0021 of the Government Code to require that state agencies, including institutions of higher education, send only electronic notices to the Texas Legislature detailing publication availability. Members of the Legislature who wish to receive the publication may reply electronically. Legislation takes effect 6/17/2011.

**HB 1147 by Smith/Wentworth - Relating to notice by a governmental entity regarding certain geospatial data products.** HB 1147 requires a governmental entity (including institutions of higher education) to include a notice on each geospatial data product created or hosted by the entity that was not produced by, or under the supervision of, a professional land surveyor. The notice is to state that the geospatial data product is for informational purposes only, does not represent an on-the-ground survey, and is an approximate representation of property boundaries. HB 1147 takes effect September 1, 2011 and applies only to a document printed on or after the effective date.

**HB 1728 by Keffer/Harris - Relating to energy savings performance contracts and energy efficiency planning.** HB 1728 amends the Education Code, Government Code, and Local Code to allow school districts, institutions of higher education, state agencies, and local governments to use any available money, with the exception of money borrowed from the state, to pay for an energy savings performance contract. These groups would no longer be required to pay for energy savings performance services solely out of the financial savings realized from execution of the contracts.

**HB 1781 by Price/Nelson - Relating to obsolete or redundant reporting requirements applicable to state agencies and to certain reports, communications, publications, and other documents involving the attorney general.** HB 1781 amends Chapter 2052 of the Government Code to create a new examination of statutory reporting requirements. Not later than August 1, 2012, the Executive Director of each state agency, including an institution of higher education, is required to examine the agency's statutory reporting requirements and identify reports that are determined to be unnecessary, redundant, or required to be provided at a frequency for which data is not available. An electronic report is to be created and provided to the Governor, Lieutenant Governor, the Speaker of the House of Representatives, chair of the House Committee on Government Efficiency and Reform, chair of the Senate Committee on Government Organization, chair of each standing committee of the Senate and House of Representatives with jurisdiction over the agency, Texas State Library and Archives Commission, and Legislative Budget Board. Reports submitted may not include reporting requirements that are required by federal law. HB 1781 requires the Sunset Commission to review and make recommendations on agency reporting requirements as part of the Sunset review process. The bill also eliminates several reports that are either completed by or submitted to the Office of the Attorney General and other state agencies. Takes effect September 1, 2011.

**HB 2499 by Cook/Ellis - Relating to the continuation and functions of the Department of Information Resources and the transfer of certain department functions to the comptroller of public accounts.** HB 2499 was the Sunset bill for the Department of Information Resources (DIR). The major aspect impacting higher education was the transfer of responsibility for the statewide purchase of information technology commodity items from DIR to the Comptroller. These functions that are transferred are to be reviewed by the Sunset Advisory Commission and reported back to the 84<sup>th</sup> Legislature. HB 2499 would require the DIR Board to set up new rules for major outsourced contracts. The legislation also created a new Customer Advisory Committee; a member of ITCHE will serve on this new committee.

**HB 3333 by Pena/Hegar - Relating to the authority of the governor to order the disconnection of state computer networks from the Internet.** The Department of Information Resources occasionally detects threats to state networks that require the disconnection of network segments from each other or from

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the Internet. The power to partially or entirely disconnect state networks is standard practice, but it is not a power explicitly provided to the governor or agencies acting on the governor's behalf. HB 3333 provides the Governor the authority to order the disconnection of state networks as part of emergency operations to ensure continuity of government and the protection of sensitive information.

**HB 3395 by Callegari/Ellis - Relating to state purchasing preferences for recycled products and to the efficient operation of certain telecommunications entities.** HB 3395 amends the Government Code (Section 2155) and requires the Comptroller of Public Accounts and state agencies to give preference to recycled, remanufactured, or environmentally sensitive products that meet state specifications regarding quantity and quality if the average price of the product is not more than 10 percent greater than the price of comparable non-recycled products. The bill would provide that if the average price of paper with recycled fibers exceeds by more than 10 percent the price of comparable non-recycled paper, the Comptroller and state agencies would not be required to contract for or purchase paper containing the highest proportion of recycled fibers. HB 3395 also grants the authority to the Department of Information Resources to publish telephone directories on a state Internet website.

**SB 5 by Zaffirini/Branch – Relating to the administration and business affairs of public institutions of higher education.** SB 5 was an omnibus higher education bill designed to facilitate efficient operations, reduce institutional costs, and provide administrative flexibility to institutions of higher education. This was particularly important in the current budget climate in which institutions are being asked to do more with less.

**The following is a high-level summary of the bill. Please contact the Office of Governmental Relations for more detailed information re each specific section included in SB 5.**

Article 1 of the bill relates to financial management for institutions of higher education, including deposits in foreign banks, the disposition of small credit balances and the issuance of state securities. The Article also eliminates the requirement that institutions of higher education seek Bond Review Board's approval before they issue securities unless the general revenue of the state is being pledged.

Article 2 relates to the subject area of goods and services; it includes purchasing related issues, qualifications of certain business entities to enter into contracts with institutions of higher education, electronic and digital signatures, and eliminates certain reporting requirements.

Article 3 relates to payroll deductions for employees of university system or institution of higher education and programs promoting diseases prevention, wellness and health.

Article 4 relates to real estate and construction issues and includes the deferred collection of taxes on residence homestead of elderly or disabled persons and reviews by the Higher Education Coordinating Board of higher education construction projects.

Article 5 addresses the issue of public disclosure of information that identifies applicants for chief executive officer, eliminates obsolete board of regents appointments, and addresses the elimination of certain requirements relating to membership of certain boards.

Under Article 6 certain reporting requirements applicable to institutions of higher education and university systems would expire. The bill would also require the offices of the governor and Legislative Budget Board when reviewing legislative appropriation requests instructions, to look at cost savings and other related efficiencies. The article also amends statute as it relates to the confidentiality of certain information relating to research.

Article 7 repeals certain sections of code. The majority of the sections deals with reports applicable to institutions of higher education or the Higher Education Coordinating Board.

SB 5 also amends the Education Code as it relates to internet access to financial transactions and student fee advisory committees. SB 5 requires that student fee advisory committee meetings be open to the public. SB 5 requires the president of each institution of higher education to prescribe procedures to ensure open meetings, and it requires that final recommendations of the student fee advisory committee be recorded and made public. Under SB 5, institutions must post a copy of the institution's financial transactions on its website, or place an easily noticeable link on its website to a website maintained by the comptroller that provides similar information.

Provisions of the bill also formally recognize the Texas A&M University System Health Science Center (TAMUSHSC) which currently exists and includes the College of Medicine, Dentistry, Center School of Rural Public Health, Irma Lerma Rangel College of Pharmacy, College of Nursing, School of Graduate Studies, Institute of Biosciences and Technology, Center Coastal Bend Health Education Center, and Center Rural and Community Health Institute.

**SB 18 by Estes/Geren – Relating to the use of eminent domain.** SB 18 modifies processes and requirements governing eminent domain. The Legislation establishes the Truth in Condemnation Procedures Act as a short title for citing its provisions relating to procedures required to initiate an eminent domain proceeding and makes such procedures applicable only to the use of eminent domain under state law by a governmental entity. It adds a statutory prohibition against a government entity taking land that was not for a public use and requires government entities to pay relocation expenses for displaced property owners and provide a relocation advisory service.

**SB 74 by Nelson/Branch - Relating to the disposition of surplus or salvage data processing equipment of a university system or an institution or agency of higher education.** SB 74 amends Section 2175.304 of the Government Code by allowing state university systems or higher education institutions to donate data processing equipment that is surplus or salvage property to a public or private hospital located in a rural county.

**SB 327 by Van de Putte/Garza - Relating to including certain veterans service organizations as small businesses for the purpose of state contracting.** SB 327 amends Section 2155.505, Government Code, regarding historically underutilized and small businesses, to add "veterans service agency" to the definition of a "small business" for the purpose of state contracting. The bill defines "veterans service agency" as a community-based organization that is exempt from taxation under the federal Internal Revenue Code of 1986; has as its principal purpose to provide housing, substance abuse treatment, case management services, and employment training to low-income veterans, disabled veterans, and homeless veterans and their families; and employs veterans to provide at least 75 percent of the hours of direct labor by individuals required to produce goods or provide services under provisions relating to historically underutilized and small businesses.

**SB 367 by Ogden / Cook - Relating to the review by the attorney general of invoices related to legal services provided to state agencies by outside counsel.** SB 367 requires that invoices submitted to state agencies, including institutions of higher education, under valid contracts for legal services be reviewed by the Attorney General Office to determine whether the invoices were eligible for payment. When entering into a contract for legal services with a state entity, the attorney or law firm would be required

to pay an administrative fee to the attorney general for the invoice review. The attorney general is permitted to adopt rules to implement this new provision.

**SB 652 by Hegar/Bonnen - Relating to governmental and certain quasi-governmental entities subject to the sunset review process.** SB 652 establishes sunset review dates for varying state and other agencies. SB 652 provides that the Texas Higher Education Coordinating Board be subjected to the sunset review process and be abolished unless reauthorized by September 1, 2013. It also provides that the Texas Guaranteed Student Loan Corporation be subjected to sunset review and be abolished unless reauthorized by September 1, 2021.

**SB 701 by Watson/Strama - Relating to high-value data sets of state agencies posted on the Internet.** SB 701 requires each state agency, including institutions of higher education, to post high-value data sets on its Internet website if the agency could use existing resources to post the data sets at no cost to the state, if the agency entered into a contract to post the high-value data sets at no additional cost, or if the agency received a gift or grant specifically for the purpose of posting one or more high-value data sets. Data must be accessible in an open standard, raw data format. Open standard data is free to the public for download, analysis, and use. All data sets must have a conspicuously displayed link on either the agency's Internet website home page or another intuitive location accessible from the agency's Internet website home page.

**SB 773 by Zaffirini/Gallego - Relating to telecommunications service discounts for educational institutions, libraries, hospitals, and telemedicine centers.** Utilities Code, Chapter 58, requires telecommunications service providers to provide private network services to institutions of higher education (and other entities) at a rate of 105 percent of the cost of providing services. The discount was to expire on January 1, 2012. SB 773 extends the discounted rate to January 2016 and changes the rate to 110 percent of the cost.

**SB 781 by Carona/Cook - Relating to the repeal of certain legislative oversight committees and certain rulemaking authority of the Department of Information Resources.** SB 781 repeals Government Code, Section 2059.060 related to DIR adoption rules for vulnerability testing of network hardware and software.

**SB 898 by Carona/Cook - Relating to energy efficiency programs in institutions of higher education and certain governmental entities.** SB 898 requires political subdivisions, institutions of higher education, and state agencies to establish goals of reducing electric consumption by at least five percent each fiscal year for 10 years, starting September 1, 2011. SB 898 requires an entity that does not attain its goals to include in its required annual report to the State Energy Conservation Office (SECO) justification that the entity already has implemented all available cost-effective measures, rather than all available measures. The bill expands the requirements for exemption from further annual reporting requirements on the basis that a subsequent report would indicate no change in status to include, in addition to an indication in the entity's report that the entity already has implemented all available cost-effective measures, an indication that the entity has reviewed its available options and has determined that no additional measures are cost-effective. SB 898 would require the State Energy Conservation Office to develop and



make available forms for entities to report their progress on achieving the required goals and would require the Texas Engineering Experiment Station to calculate the amount of energy savings and resulting reduction in pollution based on progress evaluations.

**SB 988 by Van de Putte/Larson - Relating to the creation of a cyber-security, education, and economic development council.** SB 988 establishes the Cyber-security, Education, and Economic Development Council. The bill would require the Council to meet at least quarterly at the call of the presiding officer and conduct an interim study and make recommendations to improve the infrastructure of the state's cyber-security operations with existing resources to the executive director of the Department of Information Resources. Two of the nine members of the Council will be representatives from institutions of higher education with cyber-security–related programs. The Council may request assistance from state agencies. The Council is required to submit a report on its findings to the executive director, the governor, the lieutenant governor, the speaker of the house of representatives, and various legislative committee members.

**SB 1048 by Jackson/Davis - Relating to the creation of public and private facilities and infrastructure.** SB 1048 amends the Government Code to create the authority and processes for the execution of public-private agreements for the development of qualifying public works projects, including: mass transit facilities; hospitals; schools; recreational facilities; and public buildings. The provisions would not apply to state highway system projects, projects undertaken by a transportation authority, or telecommunications infrastructure other than technology installed as part of a qualifying project. The bill would apply to state agencies, institutions of higher education electing to participate, and local governments, including school districts. The bill sets provisions for the identification and review of qualifying projects, requirements for contractual agreements between private parties and governmental entities involved in the development of a qualifying project, and creates a legislative commission to provide oversight to enacted qualifying projects.

**SB 1179 by Nelson/ Harper Brown - Relating to the elimination of certain required reports prepared by state agencies and institutions of higher education and other obsolete provisions of law.** SB 1179 amends multiple statutes to eliminate certain required reports prepared by state agencies and institutions of higher education that are currently filed with the office of the governor, the presiding officer of each house of the legislature, the comptroller, or other state entities.

Section 1 through Section 24 of the bill amends the Agriculture, Education, Family, Government, Health and Safety, Human Resources, Insurance, Natural Resources and Transportation Codes to repeal various reporting requirements of applicable state agencies. Section 25 of the bill would repeal 168 additional provisions in Texas statute requiring the filing of various reports. Many of the reports recommended for repeal pertain to the Funds Received and Disbursed Report, which has been superseded by the Annual Financial Report. Other reports listed for repeal are reports currently listed in statute that have expired by their own terms, reports whose due date has expired, or reports required of abolished agencies.

## **EMPLOYMENT / BENEFIT RETIREMENT RELATED LEGISLATION**

**HB 438 by Thompson/Carona - Relating to health benefit plan coverage for orally administered anticancer medications.** HB 438 seeks to improve patient access to orally administered anticancer drugs by requiring health insurers to provide coverage for oral medications on a basis no less favorable than intravenously administered or injected medications, which would allow health plans to implement this legislation without reducing patient costs sharing requirements for oral anticancer medications. To ensure that this legislation does not result in increased costs of intravenous treatments, H.B. 438 further requires that, in the event of a cost increase for intravenous treatments, the health plan must justify to TDI that the increase is directly relating to and necessitated by the health plan's increase in cost for the intravenous medication.

**HB 528 by Solomons/Van de Putte - Relating to the provision of pharmaceutical services through informal and voluntary networks in the workers' compensation system; providing an administrative violation.** HB 528 allows workers' compensation carriers to continue to have contractual fee discounts for pharmaceutical services and to use a voluntary or informal network to provide pharmaceutical services and to use a voluntary or informal network to provide pharmaceutical services under certain conditions. The legislation also amends current law relating to the provision of pharmaceutical services through informal and voluntary networks in the workers' compensation system, and provides an administrative violation.

**HB 2089 by Smithee/Fraser – Relating to the resolution of overpayment or underpayment of income benefits under the workers' compensation program.** HB 2089 amends the Labor Code relating to the resolution of overpayment or underpayment of income benefits under the workers' compensation program. The bill allows the commissioner of workers' compensation to establish procedures to require an overpayment of income benefits to be recouped from future income benefit payments and underpayments to be paid in a future income benefit payment. HB 2089 requires that the procedures include a process for notification to the injured employee of the underpayments and overpayments and a methodology for payment and recoupment by the insurance carrier.

**HB 2463 by Reynolds/Ellis - Relating to access to certain records regarding an employment discrimination claim.** The Texas Workforce Commission (TWC), under agreement with the federal Equal Employment Opportunity Commission, investigates complaints of employment discrimination. The state's Labor Code requires TWC to release the full files on an investigation to parties to the complaint. However, federal rules require identifying and sensitive information on confidential witnesses and on people who are not parties to the complaint to be redacted. HB 2463 places the substance of those federal exemptions into state statute and protects the right of employees to see the bulk of the file on their complaint's investigation.

**HB 2937 by Lewis/Zaffirini - Relating to access to the criminal history record information of certain individuals by public or private institutions of higher education and the Texas Higher Education Coordinating Board.** Previously, the Texas Higher Education Coordinating Board (THECB) had the authority only to conduct secured criminal history background checks relating to persons with access to certain information resources or to information resource technologies employed by THECB. HB 2937 expands THECB's authority to conduct secure background checks relating to other employees who have

access to sensitive information, such as Social Security numbers, financial data, and student-specific information, in an effort to protect the confidentiality of that information. HB 2937 also amends current law relating to access to the criminal history record information of certain individuals by public or private institutions of higher education and the Texas Higher Education Coordinating Board.

**HB 2973 by Hunter/Ellis - Relating to encouraging public participation by citizens by protecting a person's right to petition, right of free speech, and right of association from meritless lawsuits arising from actions taken in furtherance of those rights.** HB 2973 amends current law relating to encouraging public participation by citizens by protecting a person's right to petition, right of free speech, and right of association from meritless lawsuits arising from actions taken in furtherance of those rights. Twenty-seven states and the District of Columbia have passed similar acts, most commonly known as either "Anti-SLAPP" laws or "Citizen Participation Acts" that allow defendants in such cases to dismiss cases earlier than would otherwise be possible, thus limiting the costs and fees. The Texas Citizen Participation Act would allow defendants—who are sued as a result of exercising their right to free speech or their right to petition the government—to file a motion to dismiss the suit, at which point the plaintiff would be required to show by clear and specific evidence that he had a genuine case for each essential element of the claim. In addition, if the motion to dismiss is granted, the plaintiff who has wrongly brought the lawsuit may be required to pay attorney's fees of the defendant.

**SB 29 by Zaffirini/Branch-- Relating to the eligibility of certain postdoctoral fellows and graduate students to participate in health benefit programs at public institutions of higher education.** Allows for health benefits for individuals currently not receiving benefits but who are receiving a postdoctoral fellowship, or one or more graduate student fellowships awarded to the individual on a competitive basis that, either singly or in combination, are valued at not less than \$10,000 per year, and is currently receiving a stipend from an applicable fellowship. An individual who is eligible to participate in the group benefits program under this section shall pay all contributions required for the coverage selected by the individual, except that an institution of higher education may make contributions for the individual from available funds other than money appropriated to the institution from the general revenue fund. An individual who participates in this group benefits program is not considered an employee of an institution of higher education solely as a result of the individual's participation in the program. Dependents are eligible for coverage.

**SB 1667 by Duncan/Truitt - Relating to the administration of and benefits payable by the Teacher Retirement System of Texas and to certain domestic relations orders.** SB 1667 is the omnibus TRS bill for the 82<sup>nd</sup> Session; it updates many of the policies and procedures and updates statute so that TRS can operate more efficiently. Included in SB 1667 is language that authorizes the amount of the state contribution to TRS for the state fiscal year ending August 31, 2012, to be less than the amount contributed by members during that fiscal year. The bill authorizes the state, for the state fiscal year ending August 31, 2013, to contribute an amount to the retired school employees group insurance fund that is less than one percent of the salary of each active employee.

**SB 1668 by Duncan/Truitt - Relating to purchase of service credit in the Teacher Retirement System of Texas.** SB 1668 seeks to eliminate or reduce both the TRS service credit cost inequities and the subsidization for the purchase of service credits. The bill updates references to federal law governing veterans' reemployment rights, removes certain requirements for developmental leave credit, and

amends certain provisions relating to reinstatement of canceled service credit on resumption of TRS membership.

**SB 1669 by Duncan/Truitt - Relating to the resumption of service by retirees under the Teacher Retirement System of Texas.** SB 1669 amends the Government Code regarding return-to-work provisions for members of the Teacher Retirement System (TRS) who retire under Section 824.202 (a) or (a-1) after January 1, 2011. The bill allows members to return to employment, from 51% time up to and including full time, in a public school after separation from service for at least twelve full consecutive months without the TRS withholding their monthly annuity payment.

**SB 1737 by Van de Putte/Flynn – Relating to accrual and use of leave of absence for certain training or duty, including military training or duty, by public employees and officers.** SB 1737 authorizes a public employee who is a member of the state military forces and who is currently eligible for a paid leave of absence for authorized training or duty to carry forward unused leave not to exceed 45 workdays. In addition, SB 1737 specifies that a state employee called to federal active duty for certain purposes is entitled to receive paid leave for not more than 22 workdays without loss of military leave.

## **HEALTH-RELATED LEGISLATION**

**HB 300 by Kolkhorst/Nelson – Relating to the privacy of protected health information; providing administrative, civil, and criminal penalties.** Deals with the privacy of protected health care information, establishing guidelines for the storage, transmission, format, and protection of protected health care information. Requires training programs for employees of covered entities regarding the state and federal law concerning protected health information as it relates to the covered entity's particular course of business and each employee's scope of employment. Requires health care providers using an electronic health records system to provide a person requesting their health record with the requested record in electronic form unless the person agrees to accept the record in another form. The request must be in writing and must be fulfilled within 15 business days. The Attorney General is required to maintain an Internet website that address a consumer's privacy rights under federal and state law. Prohibits the sale of protected health information by a covered entity and provides for civil penalties against a covered entity for violation of the law. Sets standards for electronic sharing of protected health information. HHSC is required to conduct an annual report evaluating new developments in safeguarding protected health information.

**HB 411 by Laubenberg / Deuell – Relating to the confidentiality of newborn screening information.** Amends the Health and Safety Code to require approval by the commissioner of the Department of State Health Services or designee to disclose newborn screening information under certain circumstances, in addition to the current approval requirements. Allows a parent, managing conservator, or a guardian to give consent to disclosure which may be withdrawn at a later date. The child may revoke consent once he or she reaches the age of majority. DSHS must post notice on the agency's website when disclosure has been approved. Addresses guidelines for releasing newborn screening information, including genetic material, for public health research purposes and requires the genetic material be destroyed after specific timeframes. Also amends statute to require that newborn

or infant hearing screenings be performed at birthing facilities unless the parent declines or the screening has already been completed.

**HB 680 by Schwertner / Huffman – Relating to a physician’s response to a complaint filed with the Texas Medical Board.** Amends the Occupations Code relating to complaints filed with the Texas Medical Board. Prohibits the TMB from acting on a complaint involving care provided more than seven years before the date of the complaint unless the care was provided to a minor. TMB may not consider or act on a complaint involve the care after the minor is 21 years of age or after the seventh anniversary of the date of care. The bill prohibits the TMB from accepting anonymous complaints and outlines that complaints include the name and address if being filed by an insurance agent, insurer, pharmaceutical company, or third-party administrator. Requires TMB to notify the physician within 15 days of the name and address of the complaint if from an insurance agent, insurer, pharmaceutical company, or third-party administrator, unless the notice would jeopardize an investigation. Changes the deadline from 30 to 45 days for TMB to complete the preliminary investigation. Outlines authority of TMB to issue a remedial plan to resolve the complaint, except under certain circumstances.

**HB 1137 by Darby/Estes – Relating to the transmission of records regarding over-the-counter sales of ephedrine, pseudoephedrine, and norpseudoephedrine and a person’s civil liability for certain acts arising from the sale of those products.** Requires businesses who sell certain over-the-counter drugs to transmit certain information to a real-time electronic logging system that would be made available to the Department of Public Safety. Establishes restrictions on the amounts of the applicable over-the-counter drugs that are available for purchase within certain time limits to an individual to prevent abuse of the medications.

**HB 1380 by Truitt/Rodriguez – Relating to the graduate medical training requirements for certain foreign medical school graduates applying for a license to practice medicine in this state.** Amends the Occupations Code to allow international medical graduates to apply for a license from the Texas Medical Board after having successfully completed two years, rather than three years, of graduate medical training approved by the TMB in the U.S. or Canada.

**HB 1983 by Kolkhorst / Nelson – Relating to certain labor inductions performed on recipients under the Medicaid program.** Requires the Health and Human Services Commission to achieve cost savings by implementing certain initiatives designed to reduce the number of elective or nonmedically indicated induced deliveries or cesarean sections performed at a hospital on a Medicaid recipient before the 39<sup>th</sup> week of gestation. HHSC is to develop a process for collecting information regarding certain deliveries under the Medicaid program and to conduct a study to assess the effects of quality initiatives related to certain deliveries.

**HB 2069 by Naishtat / Lucio – Relating to the authority of a pharmacist to accelerate refills.** Allows that a pharmacist may dispense up to a 90-day supply of a dangerous drug following certain restrictions. The pharmacist may dispense up to a 90-day supply pursuant to a valid prescription that specifies the dispensing of a lesser amount followed by periodic refills of that amount if: 1) the total quantity of dosage units dispensed does not exceed the total quantity authorized on the original prescription, including refills; 2) the patient consents to the dispensing of up to a 90-day supply, and the physician has been notified electronically or by telephone; 3) the physician has not specified on the prescription that

dispensing the prescription in an initial amount followed by periodic refills is medically necessary; 4) the dangerous drug is not a psychotropic drug; and 5) the patient is at least 18 years of age.

**HB 2312 by Coleman / West – Relating to the creation of a sickle cell disease program.** Establishes a statewide sickle cell disease program and an advisory committee to make recommendations regarding the needs of individuals with sickle cell trait or sickle cell disease. Provides for the identification of grants and funding mechanisms for entities that provide certain services relating to sickle cell trait and sickle cell disease education, treatment, and prevention. The program and committee sunset in 2017.

**HB 2636 by Kolkhorst / Nelson – Relating to a commission to study neonatal intensive care units.** Directs the executive commissioner of the Health and Human Services Commission to create and appoint the members of the Neonatal Intensive Care Unit Council to study and make recommendations regarding neonatal intensive care unit operating standards and reimbursement through the Medicaid program.

**HB 2457 by J. Davis / Jackson – Relating to the amendment of Texas Enterprise Fund grant agreements.** Changes several administrative aspects of the Texas Enterprise Fund and the Emerging Technology Fund, including providing that an agreement submitted to the Lieutenant Governor and Speaker for approval would be deemed disapproved if not approved within 90 days with a possible 14 day extension; requires the annual report to include the total number of jobs created by each project and institutes clawback provisions of job targets are not met; requires the Lt. Governor and Speaker to each appoint two members to the Texas Emerging Technology Fund Advisory Committee but would not require them to be legislators; requires committee members to file financial statements; requires criminal background checks and credit checks of entities and principals of entities recommended for an award; requires regional centers of innovation and commercialization to keep minutes of each meeting. Also requires the Governor's office to submit reports on various aspects of the TEF and EMT.

**HB 2908 by Branch / Zaffirini – Relating to providing graduate medical education positions for Texas medical school graduates.** Directs the Texas Higher Education Coordinating Board to undertake an assessment of the adequacy of opportunities for graduates of medical schools in Texas to enter graduate medical education in Texas. The coordinating board is to compare the number of first-year GME positions available with the number of medical school graduates; include a statistical analysis of recent trends in and projects; develop methods and strategies for achieving a ratio of first-year GME positions to medical school graduates of 1.1:1.

**HB 3579 by L. Gonzales / Zaffirini – Relating to repayment assistance for certain physician education loans.** Amends current law to allow the Texas Higher Education Coordinating Board to make physician loan repayments to the entire balance of the loan.

**SB 156 by Huffman/V. Gonzales – Relating to health care data collected by the Department of State Health Services and access to certain confidential patient information within the department.** Deals with health care data collected by the Department of State Health Services and access to confidential patient information within the Department and provision of data to other health and human services agencies. Authorizes DSHS to share data collected if the disclosure is reviewed and approved by the

Department's Institutional Review Board. The bill would also re-establish the Texas Bleeding Disorders Advisory Council.

**SB 187 by Nelson / Zerwas – Relating to human body and anatomical specimen donation.** Requires the Anatomical Board of the State of Texas to develop an informed consent document to inform a person making a gift of a decedent's body or anatomical specimen for purposes of education or research of the risks and benefits associated with donation. Outlines requirements for labeling and transport of specimens in order to maintain chain-of-custody as prescribed by the board.

**SB 189 by Nelson / Zerwas – Relating to the eligibility of certain aliens for a license to practice medicine in this state.** Amends the Occupations Code to require an applicant for a license to practice medicine who is not a U.S. citizen or an alien lawfully admitted for permanent residence in the U.S. to present proof to the Texas Medicine Board that the applicant has practiced medicine or has signed an agreement to practice medicine as a condition of license for at least three years in an area in Texas that is designated by the U.S. Department of Health and Human Services as a health professional shortage area or a medically underserved area. The requirement does not prohibit the board from issuing a license to an applicant subject to the requirement who is applying for a license to practice medicine at a graduate medical training program in the state that is not in a shortage or underserved area.

**SB 192 by Nelson / D. Howard – Relating to patient advocacy activities by nurses and certain other persons; providing an administrative penalty.** Amends the Occupations Code to expand the immunities from liability extended to a person who, in good faith, makes a report required or authorized under provisions of the Nursing Practice Act relating to reporting violations and patient care concerns to include immunity from criminal liability. Specifies that the civil and criminal liability is the liability that, in the absence of immunity, might result from making the report. Extends the same immunities to a person who advises a nurse of the nurse's right or obligation to report under those same provisions. Prohibits a nurse from being subjected to retaliatory action as a result of refusing to engage in a certain act or omission relating to patient care, making a good faith report of violations and patient care concerns, and requesting a peer review committee determination of whether certain conduct violates a nurse's duty to a patient. Allows an agency to impose an administrative penalty not to exceed \$25,000 against a person who violates the prohibition against retaliatory actions. The administrative penalty is in addition to other penalties the agency is authorized to impose. The bill also redefines peer review to add to the activities included in that term the provision of information, advice, and assistance to nurses and other persons relation got the rights and obligations of and protections for nurses who raise care concerns or report under the Nursing Practice Act or other state or federal law.

**SB 193 by Nelson /S. King – Relating to the regulation of the practice of nursing.** Makes clarifying changes and updates to provisions in the Nursing Practice Act, including extending the confidentiality protections to certain information that a person submits to the Texas Board of Nursing for a petition for a declaratory order of eligibility for a nursing license or renewal, including diagnosis and treatment regarding a person's intemperate use of drugs or alcohol; information regarding a person's criminal history; and any other information in the petition for declaratory order of eligibility. Allows the TBN by rule to permit a person whose license is on inactive status and who was in good standing to use, as applicable, a specific title indicating the person's status as a retired nurse. Authorizes the disclosure of the results of a physical and psychological evaluation of a nurse that was conducted to determine a

person's fitness to practice nursing to a peer assistance program approved by the board to which the board has referred the nurse. Authorizes the TBN to develop a standardized error classification system for use by a nursing peer review committee in evaluating the conduct of a nurse and requires the TBN to make the system available at no cost.

**SB 293 by Watson / J. Davis – Relating to telemedicine medical services, telehealth services, and home telemonitoring services provided to certain Medicaid recipients.** The bill requires the Health and Human Services Commission to create a system for reimbursing Medicaid providers for telehealth and home telemonitoring services (in addition to the telemedicine services which are already reimbursed) if cost-effective and report on Medicaid telehealth and telemonitoring services biannually. Provides parameters for determining eligibility for home telemonitoring services. Sunsets the reimbursement provision for home telemonitoring services after September 1, 2015. HHSC indicates a waiver is needed to implement the provisions of the bill.

**SB 303 by Nichols/Scott – Relating to health care services provided or paid by a hospital district or public hospital.** Under the bill, hospital districts are authorized to recover costs of services paid by the hospital district if the health care services were obtained fraudulently by a person disqualified for services under the Indigent Health Care and Treatment Act.

**SB 335 by Fraser / Eiland – Relating to an exemption from regulation as health spas for certain governmental hospitals and clinics.** Amends the Occupations Code to include a hospital or clinic owned or operated by an agency of the state or federal government or by a political subdivision of the state among the facilities excluded from the meaning of the term "health spa" for the purposes of the regulation of certain health professions under the Health Spa Act. The bill addresses the existence of certain wellness centers operated government-owned hospitals already licensed by the state.

**SB 420 by Deuell / V. Taylor – Relating to determining the eligibility for indigent health care.** The bill clarifies that in determining eligibility under the Indigent Health Care and Treatment Act, if an applicant is a sponsored alien, a county is authorized to include in the income and resources of the applicant the income and resources of a person who executed an affidavit of support on behalf of the sponsored alien.

**SB 594 by Van de Putte / Zerwas – Relating to the regulation of prescriptions for controlled substances, including certain procedures applicable to electronic prescriptions for Schedule II controlled substances.** Allows for the use of electronic prescriptions for Schedule II controlled substances; outlines procedures for electronic prescriptions and prescriptions sent by mail. For emergency prescriptions communicated orally, the pharmacist is required to annotate on the electronic record the original date of the communication and the identity of the dispensing pharmacist. Physicians cannot delegate the authority to issue an electronic prescription.

**SB 688 by Nichols /Creighton– Relating to the investigation, prosecution, and punishment of Medicaid fraud and certain other offenses related to Medicaid fraud.** Makes Medicaid fraud a crime, ranging from a class C misdemeanor to a first-degree felony, depending on the value of any payment of benefit. Charges must be filed within three years for a felony and two years for a misdemeanor.



**SB 794 by Nelson / S. King – Relating to the use of money from the permanent health fund for health-related programs to provide grants to nursing education programs.** The bill continues the current dedication of a portion of the tobacco lawsuit settlement funds to support nursing education, through August 31, 2015.

**SB 796 by Nelson / S. King – Relating to reporting on the prevention and treatment of diabetes in the state.** The bill requires that the Health and Human Services Commission, in coordination with the Texas Diabetes Council, shall prepare a report that identifies the Commissioner’s top priorities for addressing diabetes in the Medicaid population. Also requires online posting of the annual direct and indirect costs to both the public and private sectors of preventing diabetes and treating individuals with diabetes.

**SB 822 by Watson / Zerwas – Relating to expedited credentialing of certain physicians by managed care plans.** Revises the definition of medical group to include faculty practice plans. The revision allows physicians who are added to the faculty practice plan to provide services to patients while being credentialed by the managed care plan. The provider and patient are accordingly considered within the managed care plan’s network.

**SB 969 by Nelson / Kolkhorst – Relating to the establishment of the Public Health Funding and Policy Advisory Committee within the Department of State Health Services.** Requires the commissioner of state health services to establish the Public Health Funding and Policy Committee within the Department of State Health Services. Establishes the nine-member committee and requires appointment of its members by October 1, 2011. Defines provisions relating to committee membership and terms. Requires the committee to evaluate public health in Texas, define the core public health services a local health entity should provide, identify all funding sources available for use by local health entities, and establish public health policy priorities.

**SB 1020 by Rodriguez / Marquez – Relating to a feasibility study regarding the establishment of a dental school at the Texas Tech University Health Sciences Center at El Paso.** Requires the Texas Higher Education Coordinating Board to conduct a study to examine the need for and feasibility of establishing a dental school at the Texas Tech University Health Sciences Center at El Paso. The coordinating board is required to consult with the board of regents of the Texas Tech University System in conducting the study.

**SB 1421 by Nelson / Schwertner- Relating to the awarding of grants provided by the Cancer Prevention and Research Institute of Texas.** Requires that the oversight committee of the Cancer Prevention and Research Institute of Texas (CPRIT) shall establish standards that require all grant awards to be subject to an intellectual property agreement that allows the state to collect royalties, income, and other benefits including interest or proceeds resulting from the securities and equity ownership, as a result of projects undertaken with money awarded. The bill also establishes that the following information submitted by an applicant or recipient is confidential and not subject to disclosure under the state’s open records law or any other law: all information, except as otherwise provided by a specified provision of law, that is contained in a grant award contract between CPRIT and a grant recipient, relating to a product, device, or process, the application or use of such a product, device, or process, and all technological and scientific information, including computer programs, developed in whole or in part by an applicant for or recipient of a CPRIT grant, regardless of whether patentable or

capable of being registered under copyright or trademark laws, that has a potential for being sold, traded, or licensed for a fee; and the plans, specifications, blueprints, and designs, including related proprietary information, of a scientific research and development facility.

## **AGRICULTURE RELATED LEGISLATION**

**HB 612 by Hopson/Nichols - Relating to the criminal penalty for failure of a trustee to pay the beneficiaries of the trust the purchase price for timber sold by the trustee.** HB 612 aligns the penalties for theft in the Natural Resources Code with the Penal Code.

**HB 613 by Hopson/Nichols - Relating to the unauthorized harvesting of standing timber; providing for the imposition of a criminal penalty.** HB 613 allows courts to award the sum of the mill price of the timber and all reasonable expenses incurred as a direct result of the unauthorized harvest.

**HB 1808 by Cook/Watson - Relating to the continuation and functions of the State Soil and Water Conservation Board (SWCB).** This legislation addresses issues differently from current law by requiring SWCB to establish specific program goals and statewide grant practices, and to measure impacts for state-funded programs; clarifying that the state board's brush control efforts should focus on water supply enhancement and changing the name of the program from brush control to water supply enhancement; requiring the state board to develop a system to rank and prioritize water supply enhancement projects, rather than areas of the state, based on water conservation need and water yield; specifying criteria for project prioritization, including projected water yield through a model in a feasibility study; and clarifying terminology in statute for what is a watershed project, a sub-basin or area within a watershed project, and a cost-share contract within areas of a watershed.

**HB 1840 by Phillips/Estes - Relating to the creation and functions of the Texas Grain Producer Indemnity Board.** HB 1840 creates the Texas Grain Producer Indemnity Board. The board would indemnify grain producers for economic hardship if a grain buyer was unable to pay the producer for the grain.

**HB 1969 by Christian / Nichols - Relating to the applicability of commercial fertilizer regulations to a substance containing animal manure or plant remains.** HB 1969 would allow producers of manure to make claims of "essential plant nutrients". The bill also provides that analysis for environmental permit cannot be used as guarantee of nutrient levels.

**HB 1992 by Hardcastle/ Williams) - Relating to the authority of the Texas Animal Health Commission to set and collect fees.** The Commission by rule may set and collect a fee for any service provided by the commission, including: the inspection of animals or facilities; the testing of animals for disease; obtaining samples from animals for disease testing; disease prevention, control or eradication, and treatment efforts; services related to the transport of livestock; control and eradication of ticks and other pests; and any other service for which the commission incurs a cost.

**HB 2996 by Miles/Estes - Relating to the creation of the Texas Urban Agricultural Innovation Authority.** HB 2996 creates the Texas Urban Agricultural Innovation Authority, Urban Farmer Interest

**VETOED**

Rate Reduction Program and Urban Farmer Grant Program in the Texas Department of Agriculture (TDA), to promote the creation and expansion of urban agricultural projects in Texas.

**SB 5 by Zaffirini/Branch - Relating to the administration and business affairs of public institutions of higher education.** SB 5, in part, amends and adds sec. 914(b) to the Education Code as it relates to the confidentiality of certain information relating to research that is in-process of commercialization. More broadly, the bill addresses the redundancy of applying requirements to universities that apply to all state agencies without consideration of similar requirements that are designed specifically to higher education. The converse also is occasionally true, where a state law that could benefit university operation fails to extend its application to universities. The bill addresses the effects of complying with the accumulation of required reviews, approvals, and restrictions that increase the costs of administration, often without sufficient corresponding value in coordination and oversight.

An institution of higher education in Texas has multiple reporting requirements imposed by law, rule, or policy. Interested parties contend there is rarely due regard for whether a report that was necessary or useful at the time of adoption has lost its usefulness but remains on the books out of inertia. S.B. 5 addresses these issues of administration and business affairs with an overarching purpose of allowing institutions the best opportunity to operate in ways that are more efficient, especially in the face of funding exigencies.

**SB 248 by Estes/Landtroop - Relating to the regulation of public grain warehouse operators.** SB 248 relates to the regulation of public grain warehouse operators by providing enhanced protection for Texas grain producers by increasing bonding requirements for grain warehouses and securing additional enforcement authority for the Texas Department of Agriculture (TDA). The grain warehouse inspection program at TDA administers and enforces the Texas public warehouse laws relating to grain storage. The program requires any entity that stores grain for the public to be licensed and obtain bonding before operating. Each warehouse must be insured for loss of grain stocks for the full market value of the stock and must provide proof of insurance.

**SB 1043 by Watson/Martinez - Relating to the criminal penalty for the discarding of certain burning materials.** SB 1043 makes it a misdemeanor offense to discard lighted litter, including a match, cigarette, or cigar, onto open-space land, a private road or the right-of-way of a private road, a public highway or other public road or the right-of-way of a public highway or other public road, or a railroad right-of-way and a fire is ignited as a result of that conduct.

## **ENGINEERING RELATED LEGISLATION**

### **Cell phones / texting**

**HB 242 by Craddick /Hegar - Relating to the authority of certain retired peace officers to carry certain firearms.** A number of bills were tracked dealing with distracted driving, but HB 242 by Representative Craddick passed. It creates an offense for using text-based communications while operating a vehicle with exceptions. It addresses text, instant, and email messages.

**VETOED**

**HB 1899 by Pickett/Rodriguez - Relating to the posting of signs in school crossing zones regarding the prohibited use of a wireless communication device while operating a motor vehicle.** Will release local governments from the requirement to post signs prohibiting wireless communication while driving at school crossing zones, if wireless communication while driving is prohibited throughout the jurisdiction, and would allow local jurisdictions more flexibility in regulating wireless communication.

**HB 2466 by Phillips/Carona - Relating to the licensing and operation of motor vehicles by minors.** Will prohibit, except in emergencies, the use of hand-held wireless communication devices by minors while driving, and by motorcyclists and moped drivers under 17 holding a restricted license, and require TxDOT to revoke minor's driver's licenses in cases of truancy.

### **Driver education / licensing**

**HB 90 by Cook/Birdwell - Relating to the minimum age and education requirements necessary to obtain a hardship license.** Will increase the age for a hardship license from 15 to 15 1/2 years, increases the required age for enrollment in driver education from 14 to 15, and will no longer allow waive the driver training requirement.

**HB 2678 by Todd Smith/Wentworth- Relating to the regulation of driver training schools and instruction.** Will increase the responsibilities of driver education and safety programs, including requiring programs to print and issue their own certificates after purchase from the Texas Education Agency, allowing for a fee to approve curriculum, and amending teaching requirements.

**SB 1330 by Watson/Naishtat - Relating to the driver safety courses for individuals under the age of 25 and to the driving course requirements for those individuals when receiving deferred adjudication of certain traffic offenses.** Will create specific requirements for a driver education course to be required of persons under the age of 25 (focusing on risks more prevalent among younger drivers) to receive a driver's license or obtain deferred adjudication.

**SB 1608 by Carona/Rodriguez - Relating to operating a motor vehicle without a driver's license.** Will clarify existing law to define operating a motor vehicle without a driver's license "for any reason" as an offense, unless an exemption applies.

### **DWI**

**HB 1199 by Gallego/Patrick - Relating to the penalty for certain intoxication assaults.** Will make intoxication assault a 2nd degree felony (instead of a 3rd degree felony under current law), if the assault places the victim "in a persistent vegetative state."

**SB 364 by Ogden/Fred Brown - Relating to statistical information on the prosecution of certain offenses relating to the operating of a motor vehicle while intoxicated.** Will require the DPS to produce an annual report on DWI prosecutions in Texas.

**SB 1787 by Patrick/Martinez Fischer - Relating to the information provided by a peace officer before requesting a specimen to determine intoxication.** Will require peace officers requesting a specimen to

inform the person that if they refuse, the officer may request a warrant to take the specimen from the person.

### Environmental review

**HB 630 by Pickett/Nichols - Relating to the authority of the Texas Department of Transportation, counties, and regional tollway authorities to enter into funding agreements to expedite environmental review duties related to certain projects.** Will authorize TxDOT, counties, tollway authorities and regional mobility authorities (RMAs) to contract with state or federal agencies to expedite environmental review processes. (Most of the language also in SB 1420)

**SB 548 – Nichols/Darby (Similar to HB 630) – Relating to the Texas Department of Transportation's environmental review process.** Will authorize TxDOT, counties, tollway authorities and regional mobility authorities (RMAs) to contract with state or federal agencies to expedite environmental review processes. (Most of the language also in SB 1420)

### Emergency vehicles

**HB 378 by Guillen/Williams - Relating to stationary tow trucks on a highway.** Will require motorists to change lanes (if possible) when approaching a tow truck and traveling in the same direction as the truck, allowing extra space and reducing speed in the same manner required when approaching stationary emergency vehicles.

### Finance

**HB 1 by Pitts/Ogden – Relating to appropriations for the 2012-2013 biennium. Included the necessary appropriation from state general revenues to issue \$3 billion in bond debt for transportation projects.** Provides the transportation commission the ability to offer higher compensation for a future department executive director.

**HB 2972 by Todd Smith/Wentworth – Relating to the municipal street maintenance tax.** Permits reauthorization elections for local municipal street maintenance sales taxes every eight years rather than every four years, if voters previously approved at least twice previous votes by at least 66 percent.

### HOV lanes

**SB 990 by Carona/Harper-Brown – Relating to regulation of high occupancy vehicle lanes operated, managed, or maintained by a regional transportation authority.** Will authorize penalties for improper use of RTA-managed HOV lanes, setting the maximum fine at \$100, and making failure to pay a Class C misdemeanor.

### Overweight vehicles

**HB 422 by Guillen/Williams - Relating to certain oversize and overweight permits issued by the Texas Department of Transportation.** Will impose several restrictions on the issuance of such permits, including the requirement for an engineering study of the vehicle's planned route to consider weight and potential road damage, and would also require a bond to cover costs of any damage caused by the carrier.

**SB 524 by Hegar/Morrison - Relating to the issuance of certain permits for the movement of oversize or overweight vehicles.** Will limit the roads in Victoria County which can be issued overweight vehicle permits, and raise the fee from \$80 to \$100.

**HB 1305 by Bonnen/Huffman - Relating to the issuance of oversize or overweight vehicle permits by certain port authorities.** Will limit the overweight vehicle permits issued by port authorities to three possible routes in Brazoria County, just south of Harris County.

**HB 3309 by Rodriguez/ Nichols - Relating to the authority to set maximum weights for state highways, roads, and bridges.** Will transfer the authority to set maximum weights for state roadways from the Texas Transportation Commission to the executive director of TxDOT. (Also included in SB 1420)

### **Public Transit**

**HB 423 by Guillen – Relating to the powers of rural and urban transit districts.** Grants rural or urban transit district governing boards the authority to establish rules for safe and efficient operations and maintenance of their systems, except as it relates to police enforcement.

**HB 2327 by McClendon/Wentworth – Relating to the establishment and operation of a motor-bus-only lane pilot program in certain counties.** Allows bus-only lane pilot programs in Bexar, Denton, El Paso and Travis counties, with buses to use designated shoulder lanes during periods of heavy traffic.

**SB 650 by Hegar/Cook –Relating to management of certain metropolitan rapid transit authorities.** Implements recommendations for Capital Metro from the Sunset Commission: requiring an annual five-year capital plan; annual strategic plan evaluations; forbid quotas for HUBs in capital improvement projects; maintain reserve accounts; file annual reports on progress to each member of the Texas Legislature; adopt a comprehensive rail safety plan; issue bonds only as related to pension benefit obligations; and provide services to the disabled even in areas that withdraw from the authority area.

**SB 888 by Corona/Harper-Brown – Relating to the authority of a regional transportation authority to create a local government corporation.** Will permit Dallas Area Rapid Transit and the Fort Worth Transportation Authority to create a local government corporation as a tool to enable non-member cities to pay for and receive certain transit services as well as use public-private partnerships to develop projects.

**SB 1422 by Nelson/Solomons – Relating to coordinated county transportation authorities.** Will allow for the enforced collection of public transportation fares, creating a misdemeanor offense, and provide for the tax increment financing of public transportation financing areas, as applies to county transportation authorities (Denton County Transportation Authority).

### **Rail**

**HB 3030 by McClendon/Wentworth – Relating to the funding of projects in the boundaries of an intermunicipal commuter rail district.** Defines commuter rail, relaxes some regulatory restriction placed on commuter rail districts, and provides for the tax increment bond financing of commuter rail districts.

**HB 3771 by Harper- Brown/Williams – Relating to the authority of the Texas Department of Transportation to approve safety standards for high-speed rail.** Will authorize TxDOT to adopt safety standards for high-speed passenger rail, and impose fees to recover the costs of related administration.

### School buses

**SB 1610 by Lucio/Hamilton – Relating to seat belt requirements for certain vehicles.** Will require school buses to have seat belts only if funds are provided by the legislature.

### Speed limits

**HB 109 by Fred Brown/Ogden – Relating to the temporary lowering of prima facie speed limits at a vehicular accident reconstruction site.** Will set out provisions for establishing temporary speed limits while a crash investigation is in progress.

**HB 1353 by Elkins/Williams – Relating to speed limits.** Will raise the maximum speed limits to be set by municipalities and the Texas Transportation Commission to 75 mph on highways, and eliminate lower nighttime speed limits.

**HB 2596 by Garza/Wentworth – Relating to the authority to lower certain speed limits by local governments.** Will authorize counties to lower the speed limit of a privately maintained road to not less than 20 mph, upon the request of all the adjacent property owners.

### Traffic signals

**HB 885 by Rodriguez/Watson – Relating to the operation and movement of a vehicle when certain traffic-control signals do not display an indication.** Will allow drivers to continue without stopping when faced with a blank entrance-ramp signal or pedestrian-activated signal.

### Transportation reinvestment zones

**HB 563 by Pickett/Nichols – Relating to the purposes and designation of a transportation reinvestment zone.** Will set out guidelines and restrictions for collection and use of tax revenue in transportation reinvestment zones. (Some of the language is also incorporated into SB 1420 (TxDOT sunset bill)).

**HJR 63 by Pickett/Wentworth – Amendment authorizing the legislature to permit a county to issue bonds or notes to finance the development or redevelopment of an unproductive, underdeveloped, or blighted area.** Adds the ability for counties to also use the transportation reinvestment zone revenue stream, selling bonds against future ad valorem taxes.

### Toll roads

**SB 19 by Nichols/Wayne Smith – Relating to the development, financing, construction, and operation of toll projects.** Will replace the current language governing toll entities with a new chapter and corresponding modification to the Transportation Code, which would regulate: a process giving first right of developing a tollway to the local tolling entity and the ability for TxDOT to claim the project if

the local entity fails to act upon a tollway project in an MPO-approved long-range plan. In addition to expansion of existing toll facilities, it provides for actions on nine additional projects.

**HB 1112 by Phillips/Nichols – Relating to the authority and powers of regional mobility authorities.** Will expand the authority of regional mobility authorities with respect to eligible projects, financing and contractual agreements. Adds intermodal hubs, parking facilities, and improvements in TRZs as potential projects. Addresses RMAs developed by municipalities and contingent processes.

### TxDOT Administration

**SB 1420 by Hinojosa/Harper-Brown – Relating to the continuation and functions of the Texas Department of Transportation.** Reauthorizes TxDOT as a state agency through 2015.

### Training

**HB 215 by Gallego/Ellis - Relating to photograph and live lineup identification procedures in criminal cases.** The bill requires all Texas law enforcement agencies in the state to adopt written eyewitness identification policies based on best practices proven effective by scientific research on eyewitness memory and law enforcement agencies in other parts of the country.

**HB 1488 by Gutierrez/Van de Putte - Relating to examinations for hiring in certain municipal fire departments.** Allows the City of San Antonio to use additional testing mechanisms, including personality-based examinations, integrity-based examinations, and structured oral interviews to be weighted alongside a written test in order to create a more complete profile for each candidate seeking to enter the profession of firefighting.

**HB 1619 by Orr/Patrick - Relating to emergency services districts.** Amends the law regarding ESDs and requires board members to complete a six-hour training course every two years – possibly a new opportunity for TEEX.

**HB 2694 by Wayne Smith/Huffman - Relating to the continuation and functions of the Texas Commission on Environmental Quality and abolishing the On-site Wastewater Treatment Research Council.** The bill will continue the TCEQ until 2023, and it contains various provisions to implement Sunset recommendations.

**SB 244 by Dan Patrick/Fletcher - Relating to the continuing education requirements for certain peace officers.** The bill seeks to encourage law enforcement agencies to take advantage of the continuing education offered by the Bill Blackwood Institute by exempting any second in command who participates in such continuing education from peace officer continuing education requirements established under state law.

**SB 360 by Fraser/Creighton - Relating to the composition and use of money in the rural water assistance fund.** Amends the Rural Water Assistance Fund (fund) to consolidate into one subchapter all the different types of funding options currently available to rural political subdivisions at the Texas Water Development Board (TWDB).



**SB 542 by Hegar/Fletcher - Relating to the regulation of law enforcement officers by the Commission on Law Enforcement Officer Standards and Education.** The bill amends the Occupations Code relating to the regulation of law enforcement officers by the Texas Commission on Law Enforcement Officer Standards and Education; adding continuing education requirements for police chiefs.

**SB 917 by Wentworth/Doug Miller - Relating to emergency service districts.** Amends the law regarding ESDs and requires board members to complete a six-hour training course every two years – possibly a new opportunity for TEEX.

**SB 1265 by Uresti/Kolkhorst - Relating to the accreditation of training programs and examinations for certain emergency medical services personnel.** The bill amends Chapter 773, Health and Safety Code, relating to emergency medical services and the accreditation of paramedic training programs, to require that the Department of State Health Services (DSHS) post information on accreditation of paramedic training programs to the agency website. The bill requires the advisory council authorized by the chapter to coordinate with DSHS and the Texas Department of Rural Affairs to conduct a study of the effect of a national accreditation requirement on certain paramedic training programs and on the availability of paramedics in certain areas of the state.

### **Homeland Security**

**HB 1750 by Darby/Williams - Relating to the authority of the Texas Department of Transportation to lease and contract for the operation of rolling stock during certain emergencies.** Amends current law relating to the authority of the Texas Department of Transportation to lease and contract for the operation of rolling stock during certain emergencies.

**HB 1861 by Anchia/Whitmire - Relating to the continuation and functions of the Commission on State Emergency Communications.** Major provisions in H.B. 1861 include continuing CSEC for 12 years; authorizing CSEC to coordinate and lead the development and implementation of an interconnected state-level digital emergency communications network (Next Generation Emergency Communications System or NG9-1-1); and requiring CSEC to establish an advisory committee to assist with the development and implementation of the state-level network and the state's Next Generation Emergency Communications System.

**HB 2138 by Guillen/Zaffirini - Relating to the search for and rescue of victims of water-oriented accidents.** Ensures that game wardens conduct search and rescue operations for victims of water-oriented accidents and that state military forces are authorized to assist game wardens with such operations.

**HB 3487 by Van Taylor/Carona - Relating to regulations concerning certain service animals.** Ensures that search and rescue teams are able to board their dogs conveniently, without extra cost to the team or the dog owner during natural disasters.

**SB 1065 by Williams/Hamilton - Relating to critical incident stress management and crisis response services.** Provides for the confidentiality of certain communications of and records kept by critical

incident stress management team members and to provide certain civil liability immunities for those individuals.

**SB 1560 by Ellis/Larry Taylor - Relating to liability of certain local emergency management or homeland security organizations.** Provides volunteer groups that are serving their individual local communities in the same fashion and manner as local volunteer fire departments and volunteer emergency medical services organizations and are facing the same types of liability exposure the same protections while volunteering for the public good that are provided to other emergency service organizations.

### Energy/Energy Efficiency

**HB 362 by Solomons/West - Relating to the regulation by a property owners' association of the installation of solar energy devices and certain roofing materials on property.** Amends current law relating to the regulation by a property owners' association of the installation of solar energy devices and certain roofing materials on property.

**HB 1728 by Keffer/Harris - Relating to energy savings performance contracts.** Allows school districts, institutions of higher education, state agencies, and local governments to use any available money, with the exception of money borrowed from the state, to pay for an energy savings performance contract. These groups would no longer be required to pay for energy savings performance services solely out of the financial savings realized from execution of the contracts.

**HB 2077 by Rodriguez/Deuell - Relating to a pilot program under the loanstar revolving loan program to promote the use of energy efficiency measures and renewable energy technology by certain nonprofit organizations.** Seeks to promote the use of energy efficiency measures and renewable energy technology by nonprofit organizations by creating a pilot program to make certain nonprofit organizations eligible for loanstar revolving loan funds.

**SB 493 by Fraser/Wayne Smith - Relating to the idling of motor vehicles.** Amends current law by allowing the "clean idle" engines to idle in this state as an exception to the rules relating to the idling of motor vehicles.

**SB 943 by Carona/Anchia - Relating to the classification and use of energy storage equipment or facilities and the provision of studies and reports regarding energy storage equipment or those facilities.** Various parts of the electricity continuum, including generation, load, and transmission, are regulated differently. Energy storage is a developing technology that can increase reliability of the provision of electricity and have other benefits. However, it is unclear whether or how energy storage is regulated in Texas since its unique characteristics and capabilities could be considered generation, load, transmission, or a hybrid. This bill clarifies this.

**SB 1125 by Carona/Anchia - Relating to energy efficiency goals and programs and the participation of loads in certain energy markets.** Changes the energy efficiency goal metric from annual growth in demand to peak demand by a utility transition. It also allows residential and commercial class participation in demand response programs while maintaining reliability standards and provides for utility interaction with customers for educational and incentive purposes.

**SB 1150 by Seliger/Frullo - Relating to requiring certain non-ERCOT utilities to comply with energy efficiency goals.** Corrects the inconsistency in law to ensure that provisions relating to electric utility energy efficiency goals, programs, and cost recovery apply equally to all electric utilities, including one that is not part of ERCOT.

## Other Bills of Interest That Passed

HB 8	Darby Harris	Relating to prohibiting certain private transfer fees and the preservation of private real property rights.
HB 34	Branch Shapiro	Relating to including in the public high school curriculum instruction in methods of paying for postsecondary education and training.
HB 42	Menendez Van de Putte	Relating to the duty imposed on the operator of a motor vehicle that strikes a structure adjacent to a highway.
HB 90	Cook Birdwell	Relating to the minimum age and education requirements necessary to obtain a hardship license.
HB 92	Cook Estes	Relating to the regulation of slaughterers by certain counties.
HB 109	Brown, Fred Ogden	Relating to the temporary lowering of prima facie speed limits at a vehicular accident reconstruction site.
HB 150	Solomons Seliger	Relating to the composition of the districts for the election of members of the Texas House of Representatives.
HB 215	Gallego Ellis	Relating to photograph and live lineup identification procedures in criminal cases.
HB 265	Hilderbran Birdwell	Relating to the lease of space by or for a state agency.
HB 266	Hilderbran Duncan	Relating to the use of address-matching software by certain state agencies.
HB 268	Hilderbran Seliger	Relating to the exemption from the sales and use tax for certain agricultural items.
HB 300	Kolkhorst Nelson	Relating to the privacy of protected health information.
HB 335	Shelton Birdwell	Relating to implementation and requirements of certain health care reform laws.
HB 338	Aycock Seliger	Relating to disclaimers by certain entities promulgating lists of noxious or invasive terrestrial plant species.

HB 343	Fletcher Huffman	Relating to the reporting and recording of a motor vehicle accident involving an official vehicle driven by a peace officer, firefighter, or an emergency medical services employee in the course of official duties.
HB 361	Otto Seliger	Relating to the composition of the agricultural advisory board of an appraisal district.
HB 362	Solomons West	Relating to the regulation by a property owners' association of the installation of solar energy devices and certain roofing materials on property.
HB 378	Guillen Williams	Relating to stationary tow trucks on a highway.
HB 397	Gonzales, Veronica Uresti	Relating to the creation of the Bureau for Economic Development of the Border Region.
HB 411	Laubenberg Deuell	Relating to the confidentiality of newborn screening information.
HB 412	Aycock Hegar	Relating to the requirement that certain impaired veterinarians participate in a peer assistance program.
HB 413	Aycock Hegar	Relating to the confidentiality of certain information held by a veterinarian.
HB 414	Aycock Hegar	Relating to the conducting of licensing examinations by the State Board of Veterinary Medical Examiners.
HB 422	Guillen Williams	Relating to certain oversize and overweight permits issued by the Texas Department of Transportation.
HB 423	Guillen Williams	Relating to the powers of rural and urban transit districts.
HB 434	Parker West	Relating to the minimum standards for licensed child-care facilities and registered family homes.
HB 528	Solomons Van de Putte	Relating to the provision of pharmaceutical services through informal and voluntary networks in the workers' compensation system.
HB 563	Pickett Nichols	Relating to the purposes and designation of a transportation reinvestment zone.
HB 600	Solomons Seliger	Relating to the composition of the districts for the election of members of the State Board of Education.
HB 630	Pickett Nichols	Relating to the authority of the Texas Department of Transportation, counties, and regional tollway authorities to enter into funding agreements to expedite environmental review duties related to certain projects.
HB 680	Schwertner Huffman	Relating to a physician's response to a complaint filed with the Texas Medical Board.
HB 699	Deshotel Lucio	Relating to the Port Authority Advisory Committee and funding of port security, transportation, and facility projects and port studies.

HB 716	Miller, Sid Fraser	Relating to the taking of certain feral hogs using a helicopter.
HB 753	Raymond Zaffirini	Relating to the recruitment and retention of certain caseworkers employed by the Department of Family and Protective Services.
HB 755	Cook Nichols	Relating to eligibility of certain dependents for coverage under the state employee group benefits program.
HB 885	Rodriguez Watson	Relating to the operation and movement of a vehicle when certain traffic-control signals do not display an indication.
HB 963	Hartnett Rodriguez	Relating to the costs associated with proceedings regarding cruelly treated animals.
HB 993	Rodriguez Watson	Relating to the closure of a road or highway by certain firefighters.
HB 1060	Kleinschmidt Hegar	Relating to the de-annexation of land in Bastrop County by the Barton Springs-Edwards Aquifer Conservation District.
HB 1061	Otto Duncan	Relating to the expiration of certain investment authority of the Teacher Retirement System of Texas.
HB 1103	Lucio III Ellis	Relating to payment of a fee as a required condition of community supervision for certain criminal offenses involving animal cruelty.
HB 1112	Phillips Nichols	Relating to the authority and powers of regional mobility authorities.
HB 1129	Kolkhorst Hegar	Relating to a study by the attorney general of the effects on state law and authority of certain international and other agreements and bodies.
HB 1174	Workman Wentworth	Relating to the expiration of a county burn ban.
HB 1199	Gallego Patrick, Dan	Relating to the penalty for certain intoxication assaults.
HB 1201	Kolkhorst Hegar	Relating to repeal of authority for the establishment and operation of the Trans-Texas Corridor.
HB 1305	Bonnen Huffman	Relating to the issuance of oversize or overweight vehicle permits by certain port authorities.
HB 1330	Raymond Zaffirini	Relating to the use of safety guards or flaps on certain vehicles or vehicle combinations.
HB 1353	Elkins Williams	Relating to speed limits.
HB 1380	Truitt Rodriguez	Relating to the graduate medical training requirements for certain foreign medical school graduates applying for a license to practice medicine in this state.

HB 1390	Deshotel Estes	Relating to retainage under certain construction contracts.
HB 1405	Smithee Deuell	Relating to provision by a health benefit plan of prescription drug coverage specified by formulary.
HB 1488	Gutierrez Van de Putte	Relating to examinations for hiring in certain municipal fire departments.
HB 1495	Munoz Hinojosa	Relating to the application of the Information Resources Management Act to public junior colleges and public junior college districts.
HB 1495	Munoz Hinojosa	Relating to the application of the Information Resources Management Act to public junior colleges and public junior college districts.
HB 1504	Munoz Hinojosa	Relating to statutory references to the common electronic infrastructure project formerly known as TexasOnline.
HB 1608	Strama Watson	Relating to participation in and contributions to the state employee charitable campaign by retired state employees.
HB 1737	Bohac Huffman	Relating to the installation of a speed feedback sign by a property owners' association.
HB 1750	Darby Williams	Relating to the authority of the Texas Department of Transportation to lease and contract for the operation of rolling stock during certain emergencies.
HB 1774	Taylor, Larry Huffman	Relating to the continuation and functions of the office of injured employee counsel under the workers' compensation program.
HB 1808	Cook Watson	Relating to the continuation and functions of the State Soil and Water Conservation Board.
HB 1812	Phillips Seliger	Relating to the type of newspaper required for publication of notice in certain counties.
HB 1839	Phillips Jackson, Mike	Relating to excluding a provider of recreational classes that do not lead to an educational credential from regulation as a career school or college.
HB 1861	Anchia Whitmire	Relating to the continuation and functions of the Commission on State Emergency Communications.
HB 1899	Pickett Rodriguez	Relating to the posting of signs in school crossing zones regarding the prohibited use of a wireless communication device while operating a motor vehicle.
HB 1906	Howard, Donna Fraser	Relating to the idling of motor vehicles.
HB 1908	Madden Whitmire	Relating to student loan repayment assistance for certain providers of correctional health care.
HB 1983	Kolkhorst Nelson	Relating to certain labor inductions performed on recipients under the Medicaid program.

HB 2017	McClendon Williams	Relating to the organization, governance, duties, and functions of the Texas Department of Motor Vehicles.
HB 2077	Rodriguez Deuell	Relating to a pilot program under the loanstar revolving loan program to promote the use of energy efficiency measures and renewable energy technology by certain nonprofit organizations.
HB 2089	Smithee Fraser	Relating to the resolution of overpayment or underpayment of income benefits under the workers' compensation program.
HB 2093	Thompson Van de Putte	Relating to the operation and regulation of certain consolidated insurance programs.
HB 2102	Hernandez Luna Ellis	Relating to the requirement that certain health benefit plans provide coverage for supplemental breast cancer screening.
HB 2108	Paxton Estes	Relating to electronic filing and rerecording of livestock marks and brands by county clerks.
HB 2131	Geren Eltife	Relating to the issuance of a pass for expedited access to the State Capitol.
HB 2193	Truitt Duncan	Relating to service and qualifications for membership on an advisory committee established by the Employees Retirement System of Texas to provide advice to the board of trustees on investments and investment-related issues.
HB 2195	Hartnett Carona	Relating to requirements for certain arrangements or agreements of certain regional transportation authorities.
HB 2226	Truitt Carona	Relating to authorized investments for governmental entities.
HB 2284	Hardcastle Deuell	Relating to the practice of engineering.
HB 2292	Hunter Van de Putte	Relating to payment of claims to pharmacies and pharmacists.
HB 2295	Fruzzo Hegar	Relating to the administration of the universal service fund.
HB 2325	McClendon Wentworth	Relating to the competitive bidding and notice requirements for contracts of certain mass transportation authorities.
HB 2357	Pickett Williams	Relating to motor vehicles.
HB 2383	Geren Harris	Relating to a study regarding the reenactment of the franchise tax credit for research and development expenditures.
HB 2385	Geren Harris	Relating to the DNA database at the University of North Texas Health Science Center at Fort Worth.



HB 2425	Thompson Hegar	Relating to notice to the attorney general of challenges to the constitutionality of Texas statutes.
HB 2466	Phillips Carona	Relating to the licensing and operation of motor vehicles by minors.
HB 2471	Phillips Deuell	Relating to limiting the civil liability of certain persons who obtain or provide medical care and treatment for certain animals.
HB 2507	Chisum Seliger	Relating to the offense of installing an irrigation system without a license.
HB 2541	Solomons Nelson	Relating to the regulation of traffic on certain roads by counties.
HB 2549	Crownover Estes	Relating to the authority of a state employee to authorize a deduction from the employee's salary or wage payment for a charitable contribution to certain entities.
HB 2561	Eissler Duncan	Relating to the definition of "school year" for purposes of the Teacher Retirement System of Texas.
HB 2596	Garza Wentworth	Relating to the authority to lower certain speed limits by local governments.
HB 2605	Taylor, Larry Huffman	Relating to the continuation and functions of the division of workers' compensation of the Texas Department of Insurance.
HB 2636	Kolkhorst Nelson	Relating to a commission to study neonatal intensive care units.
HB 2678	Smith, Todd Wentworth	Relating to the regulation of driver training schools and instruction.
HB 2694	Smith, Wayne Huffman	Relating to the continuation and functions of the Texas Commission on Environmental Quality and abolishing the On-site Wastewater Treatment Research Council.
HB 2785	Davis, John Shapiro	Relating to the creation of the Select Committee on Economic Development.
HB 2810	Miller, Sid Estes	Relating to the exemption from limited sales, excise and use taxation of tangible personal property incorporated into or attached to certain specific purpose agricultural structures.
HB 2866	Harper-Brown Ellis	Relating to the electronic submission of certain documents to the attorney general and the submission of certain documents by the attorney general.
HB 2907	Branch Carona	Relating to the requirements for and procedures governing tuition equalization grants.

HB 2960	Darby Hinojosa	Relating to farm vehicles and vehicles controlled and operated by farmers.
HB 2981	Hunter Hegar	Relating to the operation on a highway or street of a motor vehicle that is drawing a boat or personal watercraft in or on which a person is riding.
HB 3030	McClendon Wentworth	Relating to the funding of projects in the boundaries of an intermunicipal commuter rail district.
HB 3079	Darby Deuell	Relating to dealer agreements regarding the purchase and sale of certain all-terrain vehicles or equipment or machinery used for agricultural, construction, utility, industrial, mining, forestry, and landscaping purposes.
HB 3109	Craddick Seliger	Relating to the rulemaking power of certain groundwater conservation districts.
HB 3167	Callegari Carona	Relating to the repeal of occupational licensing requirements.
HB 3309	Rodriguez Nichols	Relating to the authority to set maximum weights for state highways, roads, and bridges.
HB 3328	Keffer Fraser	Relating to the disclosure of the composition of hydraulic fracturing fluids used in hydraulic fracturing treatments.
HB 3395	Callegari Lucio	Relating to state preferences for recycled products.
HB 3487	Taylor, Van Carona	Relating to regulations concerning certain service animals.
HB 3510	Hamilton Carona	Relating to the regulation of the towing, booting, and storage of vehicles.
HB 3577	Gonzales, Larry Zaffirini	Relating to eligibility requirements for the Texas Educational Opportunity Grant.
HB 3579	Gonzales, Larry Zaffirini	Relating to repayment assistance for certain physician education loans.
HB 3647	Turner, Sylvester Ogden	Relating to directing payment, after approval, of certain miscellaneous claims and judgments against the state out of funds designated by this Act.
HB 3730	Martinez Hinojosa	Relating to the department of transportation's privatization of maintenance contracts.
HB 3771	Harper-Brown Williams	Relating to the authority of the Texas Department of Transportation to approve safety standards for high-speed rail.

HJR 130	Branch Birdwell	Meeting requirements of the United States Department of Education concerning federal student aid by naming private institutions of higher education in the State of Texas that are authorized to operate educational programs.
SB 19	Nichols Smith, Wayne	Relating to the development, financing, construction, and operation of toll projects.
SB 20	Williams Strama	Relating to a grant program for certain natural gas motor vehicles.
SB 31	Seliger Solomons	Relating to the composition of the districts for the election of members of the Texas Senate.
SB 71	Nelson Raymond	Relating to certain reports submitted by health and human services agencies.
SB 81	Nelson Kolkhorst	Relating to food manufacturers, food wholesalers, and warehouse operators required to hold a license.
SB 156	Huffman Gonzales, Veronica	Relating to health care data collected by the Department of State Health Services and access to certain confidential patient information within the department.
SB 187	Nelson Zerwas	Relating to human body and anatomical specimen donation.
SB 189	Nelson Zerwas	Relating to the eligibility of certain aliens for a license to practice medicine in this state.
SB 192	Nelson Howard, Donna	Relating to patient advocacy activities by nurses and certain other persons; providing an administrative penalty.
SB 193	Nelson King, Susan	Relating to the regulation of the practice of nursing.
SB 199	West	Relating to the eligibility of nonprofit organizations that partner with certain schools to receive grants for agricultural projects.
SB 244	Patrick, Dan Fletcher	Relating to the continuing education requirements for certain peace officers.
SB 246	Shapiro Harper-Brown	Relating to financial security required of regional tollway authorities in connection with the provision of toll collection services.
SB 293	Watson Davis, John	Relating to telemedicine medical services, telehealth services, and home telemonitoring services provided to certain Medicaid recipients.
SB 309	Harris Patrick, Diane	Relating to the events eligible to receive funding through a major events trust fund.
SB 313	Seliger Price	Relating to priority groundwater management areas.

SB 321	Hegar Kleinschmidt	Relating to an employee's transportation and storage of certain firearms or ammunition while on certain property owned or controlled by the employee's employer.
SB 324	Jackson, Mike Davis, John	Relating to the course levels offered by the University of Houston--Clear Lake.
SB 329	Watson Chisum	Relating to the sale, recovery, and recycling of certain television equipment.
SB 332	Fraser Ritter	Relating to the vested ownership interest in groundwater beneath the surface and the right to produce that groundwater.
SB 335	Fraser Eiland	Relating to an exemption from regulation as health spas for certain governmental hospitals and clinics.
SB 360	Fraser Creighton	Relating to the composition and use of money in the rural water assistance fund.
SB 364	Ogden Brown, Fred	Relating to statistical information on the prosecution of certain offenses relating to the operating of a motor vehicle while intoxicated.
SB 367	Ogden Cook	Relating to the review by the attorney general of invoices related to legal services provided to state agencies by outside counsel.
SB 385	Williams Otto	Relating to the creation of an alternative fuel program to be funded by the Texas emissions reduction plan fund.
SB 396	Deuell Marquez	Relating to the state fire marshal's investigation of the death of a firefighter who dies in the line of duty or in connection with an on-duty incident.
SB 419	West Patrick, Diane	Relating to prohibiting state funding to public junior colleges for physical education courses offered for joint high school and junior college credit.
SB 423	Lucio Menendez	Relating to health insurance coverage for eligible survivors of certain public servants killed in the line of duty.
SB 431	Jackson, Mike Smith, Wayne	Relating to the use of fraudulent or fictitious military records.
SB 449	Watson Ritter	Relating to the appraisal for ad valorem tax purposes of open-space land devoted to water stewardship purposes on the basis of its productive capacity.
SB 469	Nelson Patrick, Diane	Relating to the collection of unpaid tolls by a regional tollway authority.
SB 479	Estes Miller, Sid	Relating to limiting the liability of certain persons for farm animal activities.
SB 493	Fraser Smith, Wayne	Relating to the idling of motor vehicles.

SB 524	Hegar Morrison	Relating to the issuance of certain permits for the movement of oversize or overweight vehicles.
SB 527	Fraser Geren	Relating to air monitors in Texas Commission on Environmental Quality Regions 3 and 4 to be funded through the Texas emissions reduction plan.
SB 528	Huffman Coleman	Relating to meetings of the University of Houston System Board of Regents.
SB 542	Hegar Fletcher	Relating to the regulation of law enforcement officers by the Commission on Law Enforcement Officer Standards and Education.
SB 545	Seliger Driver	Relating to employment records for law enforcement officers, including procedures to correct employment termination reports.
SB 548	Nichols Darby	Relating to the Texas Department of Transportation's environmental review process.
SB 650	Hegar Cook	Relating to management of certain metropolitan rapid transit authorities.
SB 652	Hegar Bonnen	Relating to governmental entities subject to the sunset review process.
SB 660	Hinojosa Ritter	Relating to the review and functions of the Texas Water Development Board, including the functions of the board in connection with the process for establishing and appealing desired future conditions in a groundwater area
SB 691	Estes King, Tracy	Relating to the exemption from permitting by groundwater conservation districts for certain water wells used for domestic, livestock, and poultry watering purposes.
SB 692	Estes Miller, Doug	Relating to exemptions from groundwater conservation district permit requirements.
SB 727	Seliger Beck	Relating to groundwater conservation district management plans.
SB 737	Hegar Price	Relating to the management of groundwater production by groundwater conservation districts.
SB 743	Hegar Kleinschmidt	Relating to the designation of a segment of State Highway 71 as the 95th Division Memorial Highway.
SB 791	Duncan Jackson, Jim	Relating to the delivery of proposed state agency rules to the lieutenant governor, a member of the legislature, or a legislative agency.
SB 794	Nelson King, Susan	Relating to the use of money from the permanent fund for health-related programs to provide grants to nursing education programs.
SB 800	Duncan Elkins	Relating to a workers' compensation data collection agent designated by the commissioner of workers' compensation.
SB 809	Seliger Giddings	Relating to judicial review in district court of certain workers' compensation disputes.
SB 811	Zaffirini Hardcastle	Relating to the regulation of the practice of veterinary medicine.

SB 816	Lucio Lucio III	Relating to the appointment and recommendations of the Border Trade Advisory Committee.
SB 822	Watson Zerwas	Relating to expedited credentialing of certain physicians by managed care plans.
SB 851	Zaffirini Branch	Relating to a uniform deadline for student financial assistance for public institutions of higher education other than public junior colleges.
SB 873	Duncan Hilderbran	Relating to rate and damage schedules governing certain easements or other interests in land of The University of Texas System.
SB 888	Carona Harper-Brown	Relating to the authority of a regional transportation authority to create a local government corporation.
SB 899	Ogden Schwertner	Relating to the legislature's consent or approval of a settlement of a claim or action against this state.
SB 917	Wentworth Miller, Doug	Relating to emergency service districts.
SB 924	Carona Keffer	Relating to energy efficiency reports by municipally owned utilities and electric cooperatives.
SB 943	Carona Anchia	Relating to the classification and use of energy storage equipment or facilities and the provision of studies and reports regarding energy storage equipment or those facilities.
SB 969	Nelson Kolkhorst	Relating to the establishment of the Public Health Funding and Policy Advisory Committee within the Department of State Health Services.
SB 990	Carona Harper-Brown	Relating to regulation of high occupancy vehicle lanes operated, managed, or maintained by a regional transportation authority.
SB 1020	Rodriguez Marquez	Relating to a feasibility study regarding the establishment of a dental school at the Texas Tech University Health Sciences Center at El Paso.
SB 1043	Watson Martinez	Relating to the criminal penalty for the discarding of certain burning materials.
SB 1065	Williams Hamilton	Relating to critical incident stress management and crisis response services.
SB 1068	Ellis Hunter	Relating to the lease of certain state parking facilities to other persons.
SB 1086	Estes Hardcastle	Relating to the operation by the Department of Agriculture of programs for rural economic development and the marketing and promotion of agricultural and other products grown, processed, or produced in this state.
SB 1121	Estes Lyne	Relating to the student fees for the university center at Midwestern State University.
SB 1125	Carona Anchia	Relating to energy efficiency goals and programs and the participation of loads in certain energy markets.
SB 1132	Hegar Thompson	Relating to a water rights permit issued to the Texas Water Development Board.
SB 1150	Seliger Fullo	Relating to requiring certain non-ERCOT utilities to comply with energy efficiency goals.

SB 1154	Uresti McClendon	Relating to a task force for the development of a strategy to reduce child abuse and neglect and improve child welfare.
SB 1160	Seliger Jackson, Jim	Relating to the liability of a landowner for harm to a trespasser.
SB 1269	Wentworth Branch	Relating to honorariums offered to and accepted by public servants.
SB 1330	Watson Naishtat	Relating to the driver safety courses for individuals under the age of 25 and to the driving course requirements for those individuals when receiving deferred adjudication of certain traffic offenses.
SB 1356	Estes Hardcastle	Relating to the repeal of certain laws regulating the registration of animal tattoo marks with the Department of Public Safety.
SB 1357	Estes Hardcastle	Relating to the redemption and impoundment of estrays.
SB 1386	Lucio Oliveira	Relating to the refusal to register motor vehicles by a county assessor-collector or the Texas Department of Motor Vehicles.
SB 1420	Hinojosa Harper-Brown	Relating to the continuation and functions of the Texas Department of Transportation.
SB1421	Nelson Schwertner	Relating to the awarding of grants provided by the Cancer Prevention and Research Institute of Texas.
SB 1422	Nelson Solomons	Relating to coordinated county transportation authorities.
SB 1504	Seliger Lewis	Relating to the disposal of nonparty compact low-level radioactive waste at the Texas Low-Level Radioactive Waste Disposal Compact waste disposal facility.
SB 1534	Shapiro Davis, John	Relating to the operation and certification of career schools or colleges.
SB 1560	Ellis Taylor, Larry	Relating to liability of certain local emergency management or homeland security organizations.
SB 1578	Williams Deshotel	Relating to the addition of a county to a freight rail district.
SB 1588	Ogden Pitts	Relating to the creation and re-creation of funds and accounts in the state treasury, the dedication and rededication of revenue, and the exemption of unappropriated money from use for general governmental purposes.
SB 1605	Seliger Lewis	Relating to the Texas Low-Level Radioactive Waste Disposal Compact Commission.
SB 1608	Carona Rodriguez	Relating to operating a motor vehicle without a driver's license.
SB 1610	Lucio Hamilton	Relating to seat belt requirements for certain vehicles.
SB 1618	Seliger Craddick	Relating to electronic reporting by certain state entities and to the review of continual report requirements.

SB 1620	Duncan Aycock	Relating to an approval process for substitution of certain career and technology courses for mathematics and science courses otherwise required under the recommended and advanced high school programs.
SB 1664	Duncan Truitt	Relating to the powers and duties of and benefits available under the Employees Retirement System of Texas.
SB 1714	Duncan Chisum	Relating to certain actions against an employer by an employee who is not covered by workers' compensation insurance.
SB 1719	Williams Fletcher	Relating to certain comprehensive development agreements of the Texas Department of Transportation.
SB 1737	Van de Putte Flynn	Relating to the use and accrual of leaves of absence for military training or duty for officers and employees of the state.
SB 1787	Patrick, Dan Martinez Fischer	Relating to the information provided by a peace officer before requesting a specimen to determine intoxication.



## Bills of Interest Not Passing

The following is a list of bills tracked by the A&M System Office of Government Relations that did not pass or were vetoed during the 82<sup>nd</sup> Regular Session:

HB 10	Branch	Relating to eligibility for a TEXAS grant and to administration of the TEXAS grant program.
HB 12	Solomons	Relating to the enforcement of state and federal laws governing immigration by certain governmental entities.
HB 16	Riddle	Relating to requiring a voter to present proof of identification.
HB 21	Riddle	Relating to reporting by state agencies on the financial effect of providing services to illegal immigrants.
HB 32	Creighton	Relating to the prohibition of required health insurance coverage.
HB 50	Lucio III	Relating to the establishment by The University of Texas System of a law school in the Rio Grande Valley.
HB 53	Martinez	Relating to the establishment of a public law school in the Rio Grande Valley.
HB 60	Martinez	Relating to a cost of living increase applicable to benefits paid by the Teacher Retirement System of Texas.
HB 67	Martinez	Relating to the creation of a literacy center pilot program by the Texas Higher Education Coordinating Board.
HB 68	Martinez	Relating to notice concerning the use of criminal history information in an employer's hiring process.
HB 73	Martinez	Relating to the dissemination of criminal history record information to state agencies for employment or contracting purposes.
HB 76	Flynn	Relating to certain purchases by a state agency performing a law enforcement function.
HB 81	Flynn	Relating to the use of public funds to print certain public documents in a language other than English and other bilingual requirements.
HB 85	Simpson	Relating to the state's or a state governmental entity's provision of support for the performance of an abortion or abortion-related services.
HB 86	Simpson	Relating to the carrying of concealed handguns on the campuses of institutions of higher education.
HB 104	Brown	Relating to abolishing the Texas Higher Education Coordinating Board and transferring the coordinating board's functions and activities and the State Board of Education's statutorily assigned functions to the Texas Education Agency
HB 112	Harless	Relating to requiring a voter to present proof of identification.
HB 131	Alvarado	Relating to requiring contractors in certain state construction contracts to provide health benefits to employees.

HB 134	Villarreal	Relating to authorizing the issuance of revenue bonds or other obligations to fund capitol projects at public institutions of higher education; making an appropriation.
HB 135	Villarreal	Relating to field experience requirements for educator certification.
HB 136	Shelton	Relating to restrictions on dropping courses at public institutions of higher education.
HB 140	Laubenberg	Relating to requiring state contractors and grant recipients to participate in the federal electronic verification of work authorization program, or E-verify; adding a civil penalty.
HB 154	Raymond	Relating to a prohibition against human cloning and regulating other uses of human tissue by institutions of higher education; providing penalties.
HB 158	Raymond	Relating to leave for junior college district or university system employees who are physically assaulted while on duty.
HB 160	Raymond	Relating to civil actions against persons who file complaints with governmental agencies or quasi-governmental entities.
HB 162	Raymond	Relating to an annual state budget and legislative budget sessions in even-numbered years and to political contributions made during a legislative session.
HB 178	J. Jackson	Relating to requiring governmental entities to participate in the federal electronic verification of work authorization program or E-verify.
HB 183	Solomons	Relating to the duty of a law enforcement agency to verify the immigration status of an arrested person.
HB 187	Perry	Relating to zero-based budgeting for certain entities funded by this state.
HB 198	Parker	Relating to the use of private procurement specialists for certain state agency contracts.
HB 202	Solomons	Relating to requiring state contractors to participate in the federal electronic verification of work authorization program, or E-verify.
HB 211	Rodriguez	Relating to this state's goal for renewable energy.
HB 216	Gallego	Relating to the creation of the Texas Legislative Fellows Program for certain students enrolled in component institutions of The University of Texas System.
HB 246	Johnson	Relating to the eligibility for service retirement annuities of certain elected officials convicted of certain crimes.
HB 247	Solomons	Relating to the enforcement of state and federal laws governing immigration by certain governmental entities.
HB 261	Hilderbran	Relating to a limitation on the amount of tuition charged by public institutions of higher education.
HB 276	Alonzo	Relating to the minimum wage.
HB 279	Geren	Relating to the use of eminent domain authority.
HB 291	J. Jackson	Relating to requiring a public hearing in the geographical area proposed for an open-enrollment charter school.
HB 293	Berman	Relating to the eligibility of an individual born in this state whose parents are

		illegal aliens to receive state benefits.
HB 294	Berman	Relating to prohibiting a person who is in the United States illegally from bringing a claim in a state court.
HB 296	Berman	Relating to the enforcement of immigration laws, to the investigation, prosecution, and punishment of certain criminal offenses concerning illegal immigration, and to certain employment and labor practices.
HB 301	Berman	Relating to the establishment of English as the official language of Texas and the requirement that official acts of government be performed in English.
HB 319	Alonzo	Relating to an optometry career program at the University of Houston.
HB 332	Guillen	Relating to the licensure of athletic trainers.
HB 335	Shelton	Relating to implementation and requirements of certain health care reform laws.
HB 358	Aycock	Relating to authorizing the issuance of revenue bonds for capital projects at Texas A&M University--Central Texas.
HB 373	Alonzo	Relating to the establishment of a program at the University of North Texas to provide financial incentives to certain students who agree to teach bilingual education, English as a second language, or Spanish in certain public schools.
HB 374	Alonzo	Relating to a program to provide financial incentives to students who agree to teach bilingual education, English as a second language, or Spanish in certain public schools.
HB 375	Alonzo	Relating to establishing veterans resource centers at certain institutions of higher education.
HB 380	Callegari	Relating to the constitutional limit on the rate of growth of appropriations and the use of surplus state revenues.
HB 381	Brown	Relating to the operation of a student health center of an institution of higher education.
HB 387	Turner	Relating to the right of an employee who is a parent of a child enrolled in a special education program to time off from work to meet with certain persons affecting the education of the child.
HB 393	V. Gonzales	Relating to physician shortage residency training programs.
HB 401	T. Smith	Relating to requiring a voter to present proof of identification.
HB 428	Fletcher	Relating to access to campuses of public schools and institutions of higher education by foreign consuls.
HB 440	Turner	Relating to the authority of peace officers to take a blood specimen from a vehicle operator to test for alcohol concentration or other intoxicating substances.
HB 448	Lucio III	Relating to the establishment of a pilot program under which high school students may accrue prepaid tuition units at public institutions of higher education by completing certain community service activities.
HB 449	Lucio III	Relating to a limitation on the use by state agencies of credit information regarding certain job applicants.
HB 455	Lucio III	Relating to exempting books purchased by university and college students from the sales tax for a limited time.

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HB 459	White	Relating to temporary limitations on the total amount of tuition charged to a student by a four-year public institution of higher education.
HB 464	Kleinschmidt	Relating to the determination of resident status of students by public institutions of higher education.
HB 465	Burnam	Relating to abolishing the Texas Enterprise Fund, the Texas emerging technology fund, the Pan American Games trust fund, the Olympic Games trust fund, and a major events trust fund, a motor sports racing trust fund.
HB 466	Burnam	Relating to the authority to enter into certain agreements relating to the Texas Enterprise Fund, the Texas emerging technology fund, or certain trust funds for sporting and non-sporting events and the money in those funds.
HB 500	Eissler	Relating to end-of-course assessment instruments administered to public high school students.
HB 505	Lewis	Relating to replacing "Cesar Chavez Day" with "Texas Hispanic Heritage Day" as an optional state holiday.
HB 508	Button	Relating to lobbying by former members of the legislature; creating an offense.
HB 523	Christian	Relating to authorizing the issuance of revenue bonds for a molecular science building at Stephen F. Austin State University.
HB 527	Eissler	Relating to certain examination requirements for physicians.
HB 537	Brown	Relating to the sale of instructional materials to students of public institutions of higher education.
HB 560	Christian	Relating to electronic textbooks, state-developed open-source textbooks, and other instructional materials for public schools.
HB 573	Gallego	Relating to a TEXAS grant pilot project to provide incentives for students to attend certain underutilized public institutions of higher education.
HB 584	Kleinschmidt	Relating to storage of electronic fingerprint records and access to criminal history record information.
HB 587	Kleinschmidt	Relating to eliminating the set-aside of a portion of designated tuition for student financial assistance at public institutions of higher education.
HB 593	Pitts	Relating to the powers and duties of the state auditor's office.
HB 601	J. Jackson	Relating to requiring employers to participate in the federal electronic verification of work authorization program or E-verify.
HB 608	Zerwas	Relating to state agency reports on the cost of services and benefits provided to undocumented immigrants.
HB 611	Murphy	Relating to the provision of certain professional services by certain governmental entities.
HB 623	Bonnen	Relating to the detection and reporting of unauthorized immigration, the collection of information concerning unauthorized immigration, the legal treatment of aliens for certain purposes, the enforcement of laws governing immigration.
HB 638	Branch	Relating to the elimination of straight-party voting.
HB 644	Orr	Relating to the period in which a public entity, public work, or state agency must respond to a complaint filed by a person entitled to an employment preference.

HB 653	Christian	Relating to student loan repayment assistance for speech-language pathologists or audiologists employed by a public school or as faculty members of certain graduate programs at public institutions of higher education.
HB 665	Villarreal	Relating to the prohibition of employment discrimination on the basis of sexual orientation or gender identity or expression.
HB 667	Hochberg	Relating to the payment of wages by an employer through an electronic transfer of funds to a payroll card account.
HB 670	Crownover	Relating to the elimination of smoking in certain workplaces and public places.
HB 681	Kleinschmidt	Relating to an employee's transportation and storage of certain firearms or ammunition while on certain property owned or controlled by the employee's employer.
HB 682	Brown	Relating to leasing advertising space on state agency Internet websites.
HB 687	Dutton	Relating to liability of a governmental unit for personal injury and death caused by the governmental unit's negligence.
HB 691	Hartnett	Relating to testimony or the production of documents before a legislative committee.
HB 698	Huberty	Relating to the carrying of concealed handguns by certain persons attending a school board meeting.
HB 702	D. Howard	Relating to certain restrictions on contributions and expenditures from political funds by a lobbyist.
HB 706	J. Davis	Relating to the course levels offered by the University of Houston--Clear Lake.
HB 708	Hancock	Relating to licensing, regulation, and prescribing and ordering authority of advanced practice registered nurses and the regulation of registered nurses and physician assistants.
HB 714	C. Anderson	Relating to the acquisition of land and facilities by the Texas State Technical College System.
HB 723	Harless	Relating to the Lone Star College System District service area.
HB 731	Hopson	Relating to the state contribution to and certain annuities under the Teacher Retirement System of Texas.
HB 733	Patrick	Relating to the number of charters the State Board of Education may grant for open-enrollment charter schools.
HB 738	Otto	Relating to the authority of the Teacher Retirement System of Texas to invest in hedge funds.
HB 743	Sheffield	Relating to requiring public institutions of higher education to notify the federal Student Exchange and Visitor Information System (SEVIS) regarding the withdrawal or nonattendance of certain foreign students.
HB 747	Johnson	Relating to the disclosure of certain information by a governmental entity with eminent domain authority in connection with an offer to purchase real property.
HB 750	Driver	Relating to the carrying of concealed handguns on certain premises of or

		locations associated with schools or institutions of higher education.
HB 751	Lewis	Relating to the attendance by a quorum of a legislative standing committee at a caucus meeting.
HB 752	Lewis	Relating to authorizing the issuance of revenue bonds for a medical education building for the Texas Tech University Health Sciences Center.
HB 762	Lozano	Relating to establishing a pill splitting program to reduce health plan costs for certain public employees.
HB 766	Lozano	Relating to exempting textbooks for university and college courses from the sales tax.
HB 773	Anchia	Relating to creating an energy efficiency council to coordinate administration of energy efficiency programs.
HB 774	Anchia	Relating to renewable energy capacity, jobs, and trading credits.
HB 775	Anchia	Relating to the adoption of energy efficiency, conservation, and indoor air quality standards for the design, construction, and renovation of public school instructional facilities.
HB 785	Y. Davis	Relating to restrictions on the use of state funds to benefit private entities that outsource jobs to foreign countries.
HB 791	Lewis	Relating to prohibiting certain contracts for investment services for state funds.
HB 800	C. Anderson	Relating to an interlocal contract between a governmental entity and a purchasing cooperative to purchase roofing materials or services.
HB 808	Lozano	Relating to the identification of courses included in the common course numbering system to be offered by and the transferability of those courses among public institutions of higher education.
HB 832	Lozano	Relating to a cost of living increase applicable to benefits paid by the Teacher Retirement System of Texas.
HB 845	Murphy	Relating to the computation of public high school grade point averages.
HB 859	Hunter	Relating to the educational scope of Texas A&M University--Corpus Christi.
HB 866	Flynn	Relating to tuition assistance for members of the Texas State Guard.
HB 878	C. Howard	Relating to the participation of governmental entities and other employers in a federal work authorization verification program.
HB 881	Alonzo	Relating to abolishing the State Board of Education and transferring the functions of the board to the Texas Education Agency and the commissioner of education.
HB 884	D. Howard	Relating to a limited waiver of sovereign immunity for state and local governmental entities in certain employment lawsuits filed by nurses.
HB 917	Allen	Relating to benefits paid by the Teacher Retirement System of Texas.
HB 936	Harless	Relating to the establishment, operation, and funding of open-enrollment charter schools.
HB 946	Guillen	Relating to the identification of courses included in the common course numbering system to be offered by and the transferability of those courses among public institutions of higher education.
HB 947	Lozano	Relating to a pilot program to expand access to career and technical

		education partnerships in rural areas.
HB 987	Shelton	Relating to a physician residency grant program and other programs to support graduate medical education.
HB 991	Castro	Relating to authorization by the Texas Higher Education Coordinating Board for certain public junior colleges to offer baccalaureate degree programs.
HB 992	Castro	Relating to excess undergraduate credit hours at public institutions of higher education.
HB 996	Gutierrez	Relating to the composition of the board of trustees of the Teacher Retirement System of Texas.
HB 1001	Morrison	Relating to the appropriation of certain unclaimed money.
HB 1013	Brown	Relating to the powers and duties of the Texas Medical Board.
HB 1016	Castro	Relating to a requirement that public school counselors demonstrate knowledge of counseling regarding higher education to obtain a school counselor certificate.
HB 1021	Guillen	Relating to considering ownership interests of disabled persons in determining whether a business is a historically underutilized business for purposes of state contracting.
HB 1031	S. King	Relating to the Texas State Technical College System.
HB 1041	Workman	Relating to the waiver of sovereign immunity for certain claims arising under written contracts with state agencies.
HB 1042	Lewis	Relating to authorizing the issuance of revenue bonds for a medical education building for the Texas Tech University Health Sciences Center.
HB 1044	Solomons	Relating to categories of information presumed to be public under the public information law.
HB 1053	Patrick	Relating to the tuition exemption offered by public institutions of higher education to firefighters enrolled in certain courses.
HB 1072	Solomons	Relating to the State Bar of Texas membership dues for an attorney employed by this state's government.
HB 1081	Gallego	Relating to reports and complaints filed with the Texas Ethics Commission.
HB 1087	Workman	Relating to the number of charters the State Board of Education may grant for open-enrollment charter schools.
HB 1096	Farias	Relating to considering ownership interests of certain disabled veterans in determining whether a business is a historically underutilized business for purposes of state contracting.
HB 1122	Weber	Relating to the trafficking of persons.
HB 1152	Guillen	Relating to payments by the comptroller of public accounts to employees, vendors, annuitants, and other recipients of state-issued payments through the electronic funds transfer system or by electronic pay card.
HB 1160	Eissler	Relating to certification to teach public school students who have visual impairments.
HB 1166	Zerwas	Relating to tobacco cessation programs for certain public employees and

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		their dependents and to the assessment of a fee on certain public employees who use tobacco.
HB 1167	V. Taylor	Relating to the carrying of concealed handguns on certain premises of or locations associated with schools or public junior colleges and public technical institutes.
HB 1176	Brown	Relating to the use of motion sensor technology in certain state buildings, public school facilities, and higher education facilities.
HB 1185	Solomons	Relating to determination of state contributions for participation by certain junior college employees in the state employees group benefits program.
HB 1193	Woolley	Relating to the eligibility requirements for automatic admission of undergraduate students to four-year public institutions of higher education and to certain scholarship and reporting and notice requirements relating to admission.
HB 1202	Riddle	Relating to the creation of the offense of employing or contracting with an unauthorized alien.
HB 1212	Fletcher	Relating to the collection and use of certain applicant information by public institutions of higher education.
HB 1219	Miles	Relating to the right of an employee to time off from work if the employee or the employee's child is a victim of family violence or a violent felony offense.
HB 1232	Dukes	Relating to outsourcing a service performed by a state agency to a private commercial contractor.
HB 1237	Zedler	Relating to Internet access to checking account transactions of a public institution of higher education.
HB 1238	Zedler	Relating to the determination of resident status of students by public institutions of higher education.
HB 1249	Callegari	Relating to certain reports, communications, and publications involving the attorney general.
HB 1268	Murphy	Relating to the computation of public high school grade point averages.
HB 1272	D. Miller	Relating to requiring employers to participate in the federal electronic verification of work authorization program, or E-Verify.
HB 1295	Shelton	Relating to a pilot project to increase enrollee access to primary care services and simplify enrollment procedures under the child health plan program.
HB 1303	Sheets	Relating to retirement benefits for state employees who return to work with the state.
HB 1311	Shelton	Relating to certain open-enrollment charter schools dedicated to serving certain students at risk of dropping out of school.
HB 1318	Coleman	Relating to meetings of the University of Houston System Board of Regents.
HB 1337	Allen	Relating to the use of state institutions of higher education to provide training to state agency employees.
HB 1339	Lyne	Relating to the student fees for the university center at Midwestern State University.
HB 1356	Gooden	Relating to the carrying of concealed handguns on certain premises of or



		locations associated with schools or institutions of higher education.
HB 1375	Bohac	Relating to the enforcement of state and federal laws governing immigration by certain governmental entities.
HB 1387	Cain	Relating to a requirement of lawful presence in the United States for receipt of state educational benefits and to the determination of resident status of students by public institutions of higher education.
HB 1407	Lavender	Relating to tuition rates and formula funding for certain nonresident students enrolled at Texas A&M University--Texarkana.
HB 1420	Price	Relating to limitations on the number of courses that students may drop under certain circumstances at certain public institutions of higher education.
HB 1437	Eissler	Relating to the guarantee of open-enrollment charter school bonds by the permanent school fund.
HB 1459	Gallego	Relating to the Texas Academy of Fine Arts, Culture, and Sciences at Sul Ross State University.
HB 1460	Branch	Relating to measures to increase cost efficiency at public institutions of higher education and the Texas Higher Education Coordinating Board, including the elimination of certain reporting and other requirements imposed.
HB 1484	Patrick	Relating to prohibiting state funding to public junior colleges for physical education courses offered for joint high school and junior college credit.
HB 1492	Naishtat	Relating to the authority of certain university systems to provide benefits to certain qualified individuals.
HB 1497	D. Howard	Relating to the allocation of certain federal career and technical education funds.
HB 1506	Christian	Relating to unemployment compensation eligibility and chargebacks regarding certain persons who are victims or whose immediate family members are victims of sexual assault.
HB 1508	Legler	Relating to authorizing certain public junior colleges to offer a baccalaureate degree in nursing.
HB 1515	Isaac	Relating to temporary limitations on the total amount of tuition charged to a student by a four-year public institution of higher education.
HB 1520	D. Howard	Relating to the determination of student priority in awarding TEXAS grants.
HB 1521	Otto	Relating to re-creating the scholarship trust fund for fifth-year accounting students as a trust fund outside the treasury.
HB 1536	Eiland	Relating to the creation of DNA records for the DNA database system.
HB 1549	C. Howard	Relating to certification and continuing education requirements for certain public education administrators.
HB 1553	Larson	Relating to citizenship information reported by persons, including state agencies, political subdivisions of this state, nonprofit organizations, and public and private entities, who receive local or state money to provide services.

HB 1557	Reynolds	Relating to the vaccination against bacterial meningitis of first-time students at public and private or independent institutions of higher education.
HB 1562	Guillen	Relating to authorizing state agencies to establish a four-day workweek.
HB 1565	Coleman	Relating to the employment of physicians by hospital districts.
HB 1574	Garza	Relating to including certain veterans service organizations as small businesses for the purpose of state contracting.
HB 1578	Brown	Relating to energy aggregation by state agencies.
HB 1579	Brown	Relating to information resources technologies of state agencies.
HB 1580	Brown	Relating to the training and certification of state agency employees or contractors performing service work on pressure vessels.
HB 1582	Farias	Relating to authorization for the operation in certain counties of an educator preparation program with an internship program component.
HB 1585	Farias	Relating to certain eligibility requirements of the Teach for Texas Loan Repayment Assistance Program.
HB 1588	Eissler	Relating to the establishment, operation, and funding of open-enrollment charter schools.
HB 1591	Turner	Relating to reporting regarding state fees by the comptroller and in the general appropriations bill.
HB 1630	Thompson	Relating to funding the TEXAS grant program at public institutions of higher education.
HB 1655	Y. Davis	Relating to the preference given by state agencies to goods offered by bidders in this state or manufactured, produced, or grown in this state or in the United States.
HB 1656	Y. Davis	Relating to the purchase of iron, steel, and manufactured goods made in the United States for state construction projects.
HB 1662	S. King	Relating to the use of money from the permanent fund for health-related programs to provide grants to nursing education programs.
HB 1671	Marquez	Relating to allowing a governmental body to redact certain personal information under the public information law without the necessity of requesting a decision from the attorney general and the calculation of certain deadlines under
HB 1672	J. Jackson	Relating to the education of public school students with dyslexia, the education and training of educators who teach those students, and the assessment of students with dyslexia attending an institution of higher education.
HB 1673	J. Jackson	Relating to testing accommodations for a person with dyslexia taking a licensing examination administered by a state agency.
HB 1699	Menendez	Relating to a supplemental payment for retirees of the Teacher Retirement System of Texas and the unfunded actuarial liabilities allowed under that system.
HB 1700	Coleman	Relating to the employment of physicians by certain hospitals.

HB 1709	Dukes	Relating to the creation of the individual development account program to provide savings incentives and opportunities for certain foster children to pursue home ownership, postsecondary education, and business development.
HB 1726	Hernandez Luna	Relating to the creation of DNA records for the DNA database system and to an offense involving the release of a DNA sample to an unauthorized recipient.
HB 1727	Brown	Relating to the sale and leaseback of certain state property.
HB 1729	Keffer	Relating to the sale of surplus leased land by a governmental entity to a private party.
HB 1816	C. Howard	Relating to the vaccination against bacterial meningitis of first-time students at public and private or independent institutions of higher education.
HB 1845	Castro	Relating to counseling in response to alcoholic beverage violations by students at public and private institutions of higher education.
HB 1851	Reynolds	Relating to historically underutilized businesses and the preference given for goods and services purchased by state agencies.
HB 1857	Perry	Relating to the determination of resident status of students by public institutions of higher education.
HB 1879	Madden	Relating to the use of money appropriated out of the general revenue fund for the provision of postsecondary educational programs to persons confined or imprisoned in the Texas Department of Criminal Justice.
HB 1892	S. Davis	Relating to authorizing the issuance of revenue bonds to fund capital projects at certain health-related institutions of The University of Texas System.
HB 1902	Keffer	Relating to the authority of certain counties to regulate outdoor lighting near astronomical observation facilities.
HB 1910	Veasey	Relating to requiring the Legislative Budget Board to disclose proposed discontinuation of funding for public institutions.
HB 1923	Zedler	Relating to contract requirements for federal-level government relations consultants and agencies or political subdivisions of this state.
HB 1927	Zedler	Relating to a requirement of lawful presence in the United States for receipt of state educational benefits and to the determination of resident status of and tuition rates for students by public institutions of higher education.
HB 1974	Sheets	Relating to creating a defined contribution retirement plan for persons eligible to participate in a public statewide retirement system.
HB 1997	Shelton	Relating to customer choice for certain state agencies served by a municipally owned electric utility.
HB 2011	Sheets	Relating to the admission of persons who are not legal residents of the United States to public institutions of higher education.
HB 2021	Pitts	Relating to state agency procurement and the comptroller's procurement powers and duties.
HB 2022	Pitts	Relating to state fiscal matters.
HB 2036	Hochberg	Relating to certain competitive scholarships at public institutions of higher education.

HB 2090	Marquez	Relating to a feasibility study regarding the establishment of a dental school at the Texas Tech University Health Sciences Center at El Paso.
HB 2105	Y. Davis	Relating to employment restrictions on persons awarded certain government contracts or public subsidies.
HB 2115	Coleman	Relating to the distribution of money appropriated from the national research university fund.
HB 2123	Lozano	Relating to the eligibility of students to have costs of college advanced placement tests paid under agreements between the commissioner of education and the College Board and Educational Testing Service.
HB 2150	Eiland	Relating to a supplemental payment for retirees of the Teacher Retirement System of Texas and the unfunded actuarial liabilities allowed under that system.
HB 2167	Murphy	Relating to the definition of a postsecondary program in regard to non-baccalaureate career schools and colleges.
HB 2178	Driver	Relating to the carrying of concealed handguns on the campuses of institutions of higher education.
HB 2201	Miles	Relating to a fixed tuition rate provided by general academic teaching institutions to certain undergraduate students.
HB 2249	Bonnen	Relating to governmental entities subject to the sunset review process.
HB 2260	Zedler	Relating to verifying the eligibility of applicants for federal, state, and local public benefits.
HB 2261	Zedler	Relating to the computation of retirement benefits by a public retirement system.
HB 2314	Coleman	Relating to the rates of tuition charged to students of public institutions of higher education.
HB 2339	Gallego	Relating to the authority of Sul Ross State University to offer certain degree and certificate programs.
HB 2340	Larson	Relating to the creation of a cybersecurity, education, and economic development council.
HB 2341	Ritter	Relating to a one-time supplemental annuity payment to retirees of the Teacher Retirement System of Texas.
HB 2345	Hochberg	Relating to financial assistance for resident undergraduate and graduate students.
HB 2365	Eissler	Relating to certain responsibilities of education research centers and to a joint advisory board for education research centers.
HB 2404	Madden	Relating to the imposition of a privilege fee for state-owned housing provided to certain state employees by a state agency.
HB 2432	J. Davis	Relating to the creation of public and private facilities and infrastructure.
HB 2433	Callegari	Relating to the ballot language for junior college district annexation elections.
HB 2434	Y. Davis	Relating to the repeal of certain ad valorem and state tax exemptions.
HB 2439	Gallego	Relating to posting on state agency websites suggestions and ideas on agency cost-efficiency.

HB 2440	Pitts	Relating to the creation of a Texas Junior College System office.
HB 2441	Pitts	Relating to public junior college employee participation in the Teacher Retirement System of Texas.
HB 2442	Munoz	Relating to the telecommunications service discount for schools.
HB 2450	J. Jackson	Relating to the creation of the offense of employing an individual not lawfully present in the United States.
HB 2454	Zedler	Relating to prohibiting discrimination by public institutions of higher education against faculty members and students based on their conduct of research relating to intelligent design.
HB 2489	Scott	Relating to the discoverability and admissibility of communications of sympathy in certain civil or administrative actions against a health care provider or physician.
HB 2499	Cook	Relating to the continuation and functions of the Department of Information Resources.
HB 2506	Chisum	Relating to creating defined contribution retirement plans for persons eligible to participate in the Employees Retirement System of Texas and the Teacher Retirement System of Texas.
HB 2517	Villarreal	Relating to eligibility for state credits for college tuition and fees for public high school students who receive diplomas by demonstrating early readiness for college.
HB 2520	J. Davis	Relating to the creation of a database to track specialized technology research projects conducted by public universities, public university research facilities, and other state institutions.
HB 2523	Cain	Relating to the purchase of goods and services by state agencies.
HB 2532	Veasey	Relating to the interest of a governmental entity in a life insurance policy insuring the life of an employee or retired employee of the governmental entity.
HB 2535	Castro	Relating to a requirement that middle, junior high, and high school and higher education students wear reflective clothing or gear while participating in nighttime athletic events or activities.
HB 2546	Zerwas	Relating to the Texas emergency and trauma care education partnership program.
HB 2550	Elkins	Relating to the process under which state agencies and other entities are periodically reviewed under the Texas Sunset Act.
HB 2556	Morrison	Relating to the transfer of the University of Houston--Victoria to The Texas A&M University System.
HB 2565	N. Gonzalez	Relating to requiring a public institution of higher education to establish and provide notice regarding an emergency loan program.
HB 2578	J. Davis	Relating to the preparation of economic impact statements for legislative measures.
HB 2597	Garza	Relating to resident tuition rates and fees for certain civilian employees and private contractors at public institutions of higher education.
HB 2613	Flynn	Relating to the establishment of a procedure under which a person may maintain a license to carry a concealed handgun.

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HB 2623	Beck	Relating to certain energy security technologies for critical governmental facilities.
HB 2625	Branch	Relating to developing a developmental education plan for students entering public institutions of higher education.
HB 2626	Branch	Relating to the distribution of money appropriated from the national research university fund and to one or more audits of the information necessary to establish eligibility for that distribution.
HB 2630	Branch	Relating to the formal recognition of The Texas A&M University System Health Science Center and to administration of the health institutions and programs of the system.
HB 2652	Pitts	Relating to the Texas Economic Development Act.
HB 2657	T. King	Relating to nonsubstantive additions and corrections in enacted codes, the nonsubstantive codification or disposition of various laws omitted from enacted codes, and to conforming codifications enacted by the 81st Legislature.
HB 2672	Dutton	Relating to safety measures for culverts or other similar flood or drainage systems maintained by governmental entities.
HB 2688	Lucio III	Relating to the amount of a scholarship awarded under the Texas Armed Services Scholarship Program.
HB 2701	Eiland	Relating to sexual abuse and child molestation training for volunteers and employees of certain programs for minors held on campuses of institutions of higher education.
HB 2705	Zedler	Relating to tuition and fee exemptions at public institutions of higher education for certain Texas military veterans.
HB 2708	Burnam	Relating to certain activities by, employment of, and contracts of former members of the legislature and state agency heads.
HB 2720	Pitts	Relating to unpaid furloughs for state employees.
HB 2750	Martinez Fischer	Relating to subcontracting opportunities for historically underutilized businesses under certain state purchasing contracts.
HB 2754	Martinez Fischer	Relating to the electronic submission of testimony regarding a bill or resolution before a committee or subcommittee of the legislature.
HB 2765	Gallego	Relating to the update of discounted telecommunication services provided to educational institutions, libraries, hospitals, and health centers.
HB 2789	Truitt	Relating to the Teacher Retirement System of Texas.
HB 2797	Bonnen	Relating to elimination of the requirement that school districts and public junior college districts conduct periodic safety and security audits of district facilities.
HB 2798	Bonnen	Relating to discounted utility rates for school districts and open-enrollment charter schools.
HB 2804	Cain	Relating to the format of the general appropriations bill.
HB 2825	Otto	Relating to the investment management of the permanent university fund.
HB 2842	Gallego	Relating to Internet posting by the Legislative Budget Board of certain budget documents.

HB 2863	Y. Davis	Relating to the authority of certain legislative committees to investigate alleged violations of law by state officials, employees, and agencies.
HB 2865	Harper-Brown	Relating to the management of the state vehicle fleet.
HB 2870	Harper-Brown	Relating to the elimination of certain required reports prepared by state agencies and institutions of higher education.
HB 2898	Morrison	Relating to the issuance of tuition revenue bonds for the University of Houston-Victoria.
HB 2905	Branch	Relating to tuition and fee exemptions at public institutions of higher education for certain military personnel, veterans, and dependents residing in this state.
HB 2906	Branch	Relating to the amount of a tuition equalization grant.
HB 2912	Branch	Relating to the administration of certain supplemental student loan programs and the issuance of private activity bonds by qualified nonprofit corporations.
HB 2913	Munoz	Relating to the operation of dropout recovery programs by certain public junior colleges in partnership with school districts.
HB 2914	Fruzzo	Relating to the study of efficiency, productivity, and cost-effectiveness in state agency operations.
HB 2941	Zerwas	Relating to the intercollegiate athletics fee at Prairie View A&M University.
HB 2954	Cain	Relating to eliminating longevity pay for state employees and judicial officers and authorizing merit pay for certain state employees.
HB 3042	Kleinschmidt	Relating to the creation of an instant-ticket lottery game with revenue dedicated to providing grants for breast cancer research, education, and patient treatment and support.
HB 3052	Lozano	Relating to authorizing the issuance of revenue bonds for capital projects at Texas A&M University - Kingsville.
HB 3074	Veasey	Relating to eligibility for tuition and fee exemptions at public institutions of higher education for certain military personnel, veterans, and dependents residing in this state.
HB 3081	Isaac	Relating to suspending Employees Retirement System of Texas annuity payments for employees who return to work for the state.
HB 3084	Isaac	Relating to the retirement benefits for certain members and annuitants of the employee class of the Employees Retirement System of Texas.
HB 3094	Vo	Relating to the establishment of textbook loan programs at public institutions of higher education in this state.
HB 3129	Price	Relating to requiring employers to participate in the federal electronic verification of work authorization program, or E-verify.
HB 3147	McClendon	Relating to the collection, analysis, and preservation of sexual assault or DNA evidence.
HB 3149	Torres	Relating to the adoption of the Six Sigma method by state agencies for the purpose of estimates and reports.
HB 3166	Callegari	Relating to the abolition and consolidation of state agencies.
HB 3168	Callegari	Relating to the operation of state agencies

HB 3180	Johnson	Relating to annual reports regarding federal funding for state agencies.
HB 3185	Paxton	Relating to a requirement of lawful presence in the United States for receipt of state educational benefits for use at a public or private institution of higher education.
HB 3188	Larson	Relating to prohibiting the implementation in this state of any federal greenhouse gas emissions regulatory program.
HB 3189	V. Gonzales	Relating to the establishment of an academic health center by a university system.
HB 3192	Alonzo	Relating to the investment of the permanent university fund and other funds under the management and control of the board of regents of The University of Texas System.
HB 3217	Weber	Relating to the resumption of service by certain retirees under the Teacher Retirement System of Texas.
HB 3219	Thompson	Relating to intelligence data standards and protected personal information.
HB 3228	Hernandez Luna	Relating to the creation of DNA records for the state and federal DNA database systems.
HB 3235	Hernandez Luna	Relating to the provision of certain health care services to certain state employees by or at certain university facilities.
HB 3237	Hernandez Luna	Relating to the establishment and operation of the Texas Women Veterans Program.
HB 3240	Y. Davis	Relating to requiring employers to participate in the federal E-Verify program and of the Texas Workforce Commission in regard to the E-Verify program.
HB 3252	Chisum	Relating to a prohibition against the knowing employment of unauthorized foreign nationals; providing administrative penalties.
HB 3258	Strama	Relating to telecommunications service discounts for educational institutions, libraries, hospitals, and telemedicine centers.
HB 3259	Strama	Relating to the goal of installing additional capacity for generating renewable energy.
HB 3263	Strama	Relating to higher education curriculum review teams to review public school curriculum standards for college readiness purposes.
HB 3286	Guillen	Relating to a requirement that developmental coursework required for entering undergraduate students at four-year public institutions of higher education be completed at a public junior college.
HB 3292	Harper-Brown	Relating to restrictions on written reports required to be provided by school districts and open-enrollment charter schools.
HB 3325	Turner	Relating to the payment of certain costs associated with certain educational programs of Prairie View A&M University.
HB 3331	Coleman	Relating to the exemption of certain persons who teach social work at institutions of higher education from the licensing requirements for social workers.
HB 3353	Truitt	Relating to the resumption of service by retirees under the Teacher Retirement System of Texas.
HB 3354	Truitt	Relating to the administration of and benefits payable by the Teacher



		Retirement System of Texas and to certain domestic relations orders.
HB 3355	Truitt	Relating to purchase of service credit in the Teacher Retirement System of Texas.
HB 3356	Miles	Relating to the state's historically underutilized business program, including the establishment of a contractor point system.
HB 3360	Aycock	Relating to the application and renewal of a certificate of authorization in Texas for Out-of-State educational institutions and to the imposition of fees.
HB 3361	Hochberg	Relating to financial oversight of junior college districts.
HB 3373	Murphy	Relating to state contribution to the cost of certain dependents' participation in the group benefits program for state employees and their dependents.
HB 3383	Madden	Relating to private DNA laboratories performing forensic analyses on samples or specimens related to the investigation or prosecution of certain criminal offenses.
HB 3424	Zedler	Relating to the creation of the offense for knowingly influencing or attempting to influence one or more members of the legislature through coercion or an offer of a benefit to prevent a quorum.
HB 3425	Zedler	Relating to a continuous improvement process at state agencies.
HB 3426	Zedler	Relating to the creation of the Texas Department of Health Professions to regulate certain health professions, the transfer of certain powers to the department, and the abolishment of certain state agencies.
HB 3457	Eiland	Relating to the inclusion of a junior college representative on appraisal boards.
HB 3461	Margo	Relating to the transfer of adult education and literacy programs from the Texas Education Agency to the Texas Higher Education Coordinating Board.
HB 3469	Patrick	Relating to the periodic review and revision of college and career readiness standards in public education.
HB 3472	Patrick	Relating to the ethics and financial disclosure requirements of members of the governing board of certain public retirement systems and officers and employees of a nonprofit corporation for investment of the university fund.
HB 3481	Christian	Relating to the sworn complaint procedures of the Texas Ethics Commission.
HB 3496	Darby	Relating to a health reimbursement arrangement program for certain eligible retirees covered by the Employees Retirement System, the Teacher Retirement System, and the University of Texas and Texas A&M Uniform Benefits.
HB 3499	Coleman	Relating to authorizing the issuance of revenue bonds for a library at Texas Southern University.
HB 3507	Villarreal	Relating to the tuition set aside requirement for the B-On-Time program.
HB 3514	Branch	Relating to student eligibility for tuition rebates offered by general academic teaching institutions.
HB 3515	Branch	Relating to the Texas Science, Technology, Engineering, and Mathematics (T-STEM) Challenge Scholarship program.
HB 3516	Branch	Relating to requiring a public institution of higher education to make certain faculty information available to the public on the institution's Internet

		website.
HB 3517	Branch	Relating to the administration and business affairs of public institutions of higher education.
HB 3542	L. Gonzales	Relating to a supplemental payment for retirees of the Teacher Retirement System of Texas and the unfunded actuarial liabilities allowed under that system.
HB 3549	Alvarado	Relating to the investment of assets under the management and control of the Teacher Retirement System of Texas.
HB 3555	Riddle	Relating to the payment of impact fees by school districts and institutions of higher education.
HB 3556	Lucio III	Relating to a requirement that a state agency reveal the identity of certain anonymous complainants to the person against whom the state agency has initiated a contested case.
HB 3584	Strama	Relating to the Texas emerging technology fund.
HB 3587	Callegari	Relating to the functions of the Texas Guaranteed Student Loan Corporation.
HB 3591	D. Howard	Relating to the confidentiality of information obtained by a compliance office of an institution of higher education.
HB 3595	Chisum	Relating to energy efficiency goals and energy efficiency programs.
HB 3612	Turner	Relating to the administration of the Texas Save and Match Program to assist qualifying beneficiaries under the state's prepaid tuition plans and college savings plans and to the treatment of a beneficiary's assets under prepaid plans.
HB 3619	S. Miller	Relating to the application of certain concealed handgun license laws to certain statewide elected officials and members of the legislature.
HB 3624	Hochberg	Relating to the eligibility of educational aides for tuition exemptions at public institutions of higher education.
HB 3631	Branch	Relating to the imposition of certain conditions and limitations on the receipt of tuition and fee exemptions at public institutions of higher education.
HB 3634	Villarreal	Relating to including additional territory in the state in a junior college district.
HB 3636	Dutton	Relating to safety measures for culverts or other similar flood or drainage systems maintained by governmental entities.
HB 3638	Hancock	Relating to telecommunications and the universal service fund.
HB 3639	Pitts	Relating to state fiscal matters related to public and higher education.
HB 3645	Pitts	Relating to state contributions made to fund the Teacher Retirement System of Texas and certain group benefits for retired school employees.
HB 3651	Otto	Relating to the appropriation of certain revenue for information technology projects.
HB 3665	Otto	Relating to state fiscal matters related to general government.
HB 3667	Peña	Relating to the establishment and administration of an employment verification compliance program, deterring the use of unauthorized foreign workers, imposing powers and duties on executive agencies, and providing

		for remedies.
HB 3684	Callegari	Relating to evaluating and providing for efficient government resource allocation.
HB 3688	Hochberg	Relating to the collection of contributions by the Teacher Retirement System of Texas.
HB 3689	Oliveira	Relating to the partnership agreement between The University of Texas at Brownsville and the Texas Southmost College District.
HB 3697	Gallego	Relating to the establishment of a Service to Texas requirement for undergraduate students at public institutions of higher education and the establishment of a Service to Texas program.
HB 3711	D. Howard	Relating to requirements for the coordinated admission program at The University of Texas at Austin.
HB 3721	Patrick	Relating to formula funding for certain semester credit hours earned for dual course credit.
HB 3741	Brown	Relating to an intercollegiate athletics fee at Texas A&M University.
HB 3790	Pitts	Relating to state fiscal matters.
HB 3801	S. Davis	Relating to the exception of certain personal information from disclosure under the public information law.
HCR 30	Dutton	Requesting The University of Texas at Austin to lead a study by several Texas public universities to examine how young black males in Texas are affected by the benefits and detriments of living in Texas.
HCR 82	Truitt	Requesting the lieutenant governor and the speaker to create a joint interim committee to study the benefits, including health insurance, retirement programs, and other benefits, of active and retired state employees.
HJR 19	Branch	Proposing a constitutional amendment relating to the determination of a quorum of the senate or house of representatives.
HJR 20	Peña	Proposing a constitutional amendment to limit the time in which the legislature may enact or modify districts for the Texas Legislature or the United States House of Representatives.
HJR 33	Raymond	Proposing a constitutional amendment providing for an annual state budget and annual legislative sessions for budget purposes.
HJR 58	Hancock	Proposing a constitutional amendment concerning the limitation on the rate of growth of state appropriations.
HJR 70	Paxton	Proposing a constitutional amendment regarding the maximum rate of growth of appropriations and the use of unencumbered surplus general revenues to fund the state's rainy day fund and a public school property tax relief fund.
HJR 149	Larson	Amendment to require the comptroller of public accounts to make a state revenue report after the first year of a state fiscal biennium and the governor to call a special session of the legislature.
SB 1	Ogden	Relating to appropriations for the 2012-2013 biennium.
SB 4	Shapiro	Relating to certification, performance, continuing education, and appraisal of

		public school teachers.
SB 11	Williams	Relating to the enforcement of state and federal laws governing immigration by certain governmental entities.
SB 34	Zaffirini	Relating to the establishment and operation of the Texas Women Veterans Program.
SB 38	Zaffirini	Relating to the inclusion of certain private postsecondary educational institutions and career schools and colleges in the higher education accountability system of the Texas Higher Education Coordinating Board.
SB 40	Zaffirini	Relating to the functions of the Texas Guaranteed Student Loan Corporation.
SB 50	Zaffirini	Relating to regulatory authority for courses taken by public high school students for both high school and college credit.
SB 51	Zaffirini	Relating to a pilot program to expand access to career and technical education partnerships in rural areas.
SB 52	Zaffirini	Relating to exempting books purchased by university and college students from the sales tax for a limited period.
SB 63	Zaffirini	Relating to the creation of the individual development account program to provide savings incentives and opportunities for eligible persons to pursue home ownership, postsecondary education, and business development.
SB 64	Zaffirini	Relating to the right of an employee who is a victim of a crime to time off from work to attend court proceedings related to that crime.
SB 67	Zaffirini	Relating to leave for junior college district or university system employees who are physically assaulted while on duty.
SB 68	Zaffirini	Relating to contracting issues of state agencies, including ethics issues related to state contracting.
SB 70	Zaffirini	Relating to determination of state contributions for participation by certain junior college employees in the state employees group benefits program.
SB 73	Nelson	Relating to the removal of certain limitations on the debt issuance of the Cancer Prevention and Research Institute of Texas.
SB 84	Nelson	Relating to requiring governmental entities and contractors with governmental entities to participate in the federal electronic verification of work authorization program, or E-verify.
SB 110	W. Davis	Relating to ethics and accountability of certain public employees, public officers, political contributors, state contractors, and grant recipients; providing penalties.
SB 127	Patrick	Relating to the establishment, operation, and funding of open-enrollment charter schools.
SB 128	Patrick	Relating to lobbying by former members of the legislature; creating an offense.
SB 139	Wentworth	Relating to the elimination of straight-party voting.
SB 145	Hinojosa	Relating to student loan repayment assistance for nurses employed as faculty members at certain institutions of higher education.
SB 164	Shapiro	Relating to a fixed academic cost option for resident undergraduate students at general academic teaching institutions.

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SB 165	Shapiro	Relating to zero-based budgeting for state agencies as a part of the sunset review process.
SB 169	Lucio	Relating to coverage for autism spectrum disorder under certain health benefit plans offered to state employees.
SB 174	Nichols	Relating to prohibiting the use of eminent domain to take private property for recreational purposes.
SB 177	Huffman	Relating to the licensing and regulation of physicians.
SB 180	Estes	Relating to the use of eminent domain authority.
SB 184	Nelson	Relating to the use of certain state property for community food gardens.
SB 190	Nelson	Relating to the licensing and regulation of physicians, physician assistants, acupuncturists, and surgical assistants.
SB 200	Zaffirini	Relating to an evaluation by the Texas Higher Education Coordinating Board of reports required of institutions of higher education.
SB 202	Shapiro	Relating to achievement benchmarks in fiscal notes and to legislative review of those benchmarks.
SB 210	Ellis	Relating to the designation of certain election days as state holidays.
SB 228	Nelson	Relating to reporting requirements for institutions of higher education conducting human stem cell research.
SB 240	Huffman	Relating to examination requirements for certain applicants for a license to practice medicine.
SB 272	Zaffirini	Relating to authorizing the issuance of revenue bonds to fund capital projects at public institutions of higher education.
SB 281	Nichols	Relating to authorizing the issuance of revenue bonds for a molecular science building at Stephen F. Austin State University.
SB 282	Zaffirini	Relating to eliminating certain reporting, planning, student, developmental, and other requirements imposed on the Texas Higher Education Coordinating Board or public institutions of higher education.
SB 298	Wentworth	Relating to eliminating the set-aside of a portion of designated tuition for student financial assistance at public institutions of higher education.
SB 314	Zaffirini	Relating to unemployment compensation eligibility and chargebacks regarding certain persons who are victims or whose immediate family members are victims of sexual assault.
SB 330	Watson	Relating to renewable energy capacity, jobs, and trading credits.
SB 354	Wentworth	Relating to the carrying of concealed handguns on the campuses of institutions of higher education.
SB 355	Ellis	Relating to the elimination of smoking in certain workplaces and public places.
SB 371	Seliger	Relating to the eligibility for service retirement annuities of certain elected officials convicted of certain crimes.
SB 372	Seliger	Relating to certain reports, communications, and publications involving the attorney general.
SB 375	Wentworth	Relating to categories of information presumed to be public under the public

		information law.
SB 418	Williams	Relating to the carrying of concealed handguns by certain persons attending a school board meeting.
SB 444	Patrick	Relating to eliminating the set-aside of a portion of designated tuition for student financial assistance at public institutions of higher education.
SB 454	Ellis	Relating to improving state energy conservation, including through the use of thermostat settings and building efficiency.
SB 456	Ellis	Relating to state purchasing of certain environmentally friendly items.
SB 464	Lucio	Relating to tracking peace officer membership in the Teacher Retirement System of Texas.
SB 465	Lucio	Relating to retirement benefits of school district or institution of higher education peace officers under the Teacher Retirement System of Texas.
SB 466	Lucio	Relating to a requirement that public school counselors demonstrate knowledge of counseling regarding higher education to obtain a school counselor certificate.
SB 546	Deuell	Relating to the dispensing of certain drugs by physicians.
SB 552	Carona	Relating to the creation of the Energy Efficiency Coordination Council and to statewide energy efficiency.
SB 557	Duncan	Relating to the distribution of money appropriated from the national research university fund.
SB 560	Van de Putte	Relating to tuition and fee exemptions at public institutions of higher education for certain military personnel, veterans, and dependents residing in this state.
SB 562	Wentworth	Relating to the waiver of sovereign immunity for certain claims arising under written contracts with state agencies.
SB 568	Williams	Relating to access by a public institution of higher education to the criminal history record information of certain persons seeking to reside in on-campus housing.
SB 590	Estes	Relating to retainage under certain construction contracts.
SB 592	Williams	Relating to the powers and duties of the state auditor's office.
SB 596	Shapiro	Relating to transition planning for a public school student receiving special education services.
SB 597	Shapiro	Relating to the guarantee of open-enrollment charter school bonds by the permanent school fund.
SB 612	Rodriguez	Relating to examination requirements for certain applicants for a license to practice medicine.
SB 632	Hinojosa	Relating to the application of the Information Resources Management Act to public junior colleges and public junior college districts.
SB 659	Hinojosa	Relating to the continuation and functions of the Texas Racing Commission, the abolishment of the Equine Research Account Advisory Committee, and the authority of Texas AgriLife Research.
SB 664	Nichols	Relating to the continuation and functions of the Department of Information

		Resources.
SB 669	Wentworth	Relating to requests to inspect or be provided with copies of information under the public information law.
SB 677	Gallegos	Relating to the enforcement of the public information law.
SB 699	Watson	Relating to reporting regarding state fees by the comptroller and in the general appropriations bill.
SB 702	Watson	Relating to the preparation of economic impact statements for legislative measures.
SB 703	Watson	Relating to annual reports regarding federal funding for state agencies.
SB 704	Watson	Relating to interim budget reduction requests.
SB 711	M. Jackson	Relating to the confidentiality of certain identifying information regarding students of career schools or colleges and other educational entities.
SB 752	Birdwell	Relating to Internet access to checking account transactions of a public institution of higher education.
SB 753	Birdwell	Relating to the authority of certain counties to regulate outdoor lighting near astronomical observation facilities.
SB 774	Zaffirini	Relating to exemptions for disabled peace officers from the payment of tuition and fees at public institutions of higher education.
SB 780	West	Relating to the creation of an instant-ticket lottery game with revenue dedicated to the TEXAS grant program.
SB 793	Nelson	Relating to incentives to recruit and retain allied health education program faculty.
SB 829	Patrick	Relating to the provision of certain professional services by certain governmental entities.
SB 834	Deuell	Relating to the update of discounted telecommunication services provided to educational institutions, libraries, hospitals, and health centers.
SB 850	Zaffirini	Relating to formula funding for certain semester credit hours earned for dual course credit.
SB 905	Patrick	Relating to the application of certain concealed handgun license laws to statewide elected officials, certain current and former members of the legislature, and certain state employees.
SB 933	Ellis	Relating to the electronic submission of certain documents to the attorney general and the submission of certain documents by the attorney general.
SB 945	Patrick	Relating to authorizing a public junior college to award an associate degree to a student enrolled in a four-year public institution of higher education who previously attended the junior college.
SB 954	Gallegos	Relating to the authority of certain counties to appoint, contract for, or employ physicians, dentists, or other health care providers for county jails.
SB 955	Gallegos	Relating to the authority of counties to appoint, contract for, or employ physicians, dentists, or other health care providers for county jails.
SB 970	Rodriguez	Relating to information included in a searchable state revenue and expenditure database maintained by the comptroller.
SB 991	Carona	Relating to the administration of the Texas Enterprise Fund and the Texas

		emerging technology fund and of awards from those funds.
SB 996	Nichols	Relating to establishing a pill splitting program to reduce health plan costs for certain public employees.
SB 1005	Van de Putte	Relating to fair treatment of all providers of instructional materials to students enrolled at public institutions of higher education.
SB 1067	Ellis	Relating to funding the TEXAS grant program at public institutions of higher education.
SB 1069	M. Jackson	Relating to the Texas emerging technology fund reporting requirement.
SB 1092	Rodriguez	Relating to creating a pilot project to reduce the need for developmental education required for certain students entering higher education.
SB 1109	Williams	Relating to state agency procurement and the comptroller's procurement powers and duties.
SB 1142	Van de Putte	Relating to revision of open-enrollment charter school charters to add charter schools under certain circumstances.
SB 1152	Williams	Relating to authorizing the issuance of revenue bonds to fund capital projects at Lamar University and Lamar Institute of Technology.
SB 1175	M. Jackson	Relating to the prior approval of an award of money from the Texas Enterprise Fund and the Texas emerging technology fund.
SB 1270	Wentworth	Relating to the public information law.
SB 1278	Ogden	Relating to making supplemental appropriations and giving direction and adjustment authority regarding appropriations.
SB 1287	Watson	Relating to participation in and contributions to the state employee charitable campaign by retired state employees.
SB 1304	Rodriguez	Relating to requiring financial disclosure concerning reports prepared by public institutions of higher education for other entities.
SB 1325	Watson	Relating to the administration of the Texas Save and Match Program to assist qualifying beneficiaries under the state's prepaid tuition plans and to the treatment of a beneficiary's assets under prepaid tuition plans.
SB 1333	Deuell	Relating to a supplemental payment for retirees of the Teacher Retirement System of Texas and the unfunded actuarial liabilities allowed under that system.
SB 1348	Van de Putte	Relating to higher education curriculum review teams to review public school curriculum standards for college readiness purposes.
SB 1359	Harris	Relating to the DNA database at the University of North Texas Health Science Center at Fort Worth.
SB 1365	Ellis	Relating to the distribution of money appropriated from the national research university fund.
SB 1396	Patrick	Relating to measures to increase cost efficiency at public institutions of higher education and the Texas Higher Education Coordinating Board, including the elimination of certain reporting and other requirements imposed.
SB 1419	Hinojosa	Relating to the establishment by the Texas Forensic Science Commission of a DNA laboratory audit program.
SB 1444	Zaffirini	Relating to the amount of a tuition equalization grant.



SB 1472	Shapiro	Relating to the coordinated dissemination of online information regarding the operation and performance of certain for-profit educational entities.
SB 1488	West	Relating to the purchasing and contracting practices of junior college districts.
SB 1497	Shapiro	Relating to certain responsibilities of education research centers and to a joint advisory board of education research centers.
SB 1499	Watson	Relating to advancement of college readiness in the public school curriculum through evaluations and recommendations of vertical teams composed of faculty members of institutions of higher education.
SB 1537	Watson	Relating to the fiscal note associated with certain proposed state agency rules.
SB 1542	Watson	Relating to a limited waiver of sovereign immunity for state and local governmental entities in certain employment lawsuits filed by nurses.
SB 1548	Patrick	Relating to the creation of DNA records for the DNA database system and to an offense involving the release of a DNA sample to an unauthorized recipient.
SB 1555	Rodriguez	Relating to the investment of the permanent university fund and other funds under the management and control of the board of regents of The University of Texas System.
SB 1561	W. Davis	Relating to state agency purchasing.
SB 1564	West	Relating to developmental education courses and the assessment of student readiness under the Texas Success Initiative for public institutions of higher education.
SB 1570	Estes	Relating to the sale of surplus leased land by a governmental entity to a private party.
SB 1571	Watson	Relating to information subject to the public information law.
SB 1572	Watson	Relating to intelligence data standards and protected personal information.
SB 1579	Ogden	Relating to state fiscal matters related to general government.
SB 1581	Ogden	Relating to state fiscal matters related to public and higher education.
SB 1589	Ogden	Relating to directing payment, after approval, of certain miscellaneous claims and judgments against the state out of funds designated by this Act; making appropriations.
SB 1590	Ogden	Relating to the Texas Economic Development Act.
SB 1612	Ogden	Relating to the monitoring, oversight, and funding of certain public retirement systems.
SB 1621	Van de Putte	Relating to establishing veterans resource centers at certain institutions of higher education.
SB 1624	Hegar	Relating to Prairie View A&M University's eligibility to participate in the research development fund.
SB 1631	Birdwell	Relating to the determination of resident status of students by public institutions of higher education.
SB 1648	Watson	Relating to the establishment of an academic health center by a university system.

SB 1653	Watson	Relating to the format of the general appropriations bill.
SB 1658	Hinojosa	Relating to the membership and duties of, and the investigations conducted by, the Texas Forensic Science Commission, the administrative attachment of the Texas Forensic Science Commission to the Department of Public Safety.
SB 1662	West	Relating to the payment of certain costs associated with certain educational programs of Prairie View A&M University.
SB 1665	Duncan	Relating to the expiration of certain investment authority of the Teacher Retirement System of Texas.
SB 1666	Duncan	Relating to the authority of the Teacher Retirement System of Texas to invest in hedge funds.
SB 1670	Duncan	Relating to the definition of "school year" for purposes of the Teacher Retirement System of Texas.
SB 1671	Duncan	Relating to the Teacher Retirement System of Texas.
SB 1672	Ellis	Relating to authorizing the issuance of revenue bonds for a library at Texas Southern University.
SB 1704	Shapiro	Relating to educator preparation programs.
SB 1705	Lucio	Relating to temporary housing between academic terms for certain postsecondary students who have been under the conservatorship of the Department of Family and Protective Services.
SB 1720	Duncan	Relating to state fiscal matters.
SB 1723	Zaffirini	Relating to tuition and fee exemptions for certain military personnel and their spouses and dependent children for under-enrolled undergraduate classes at public institutions of higher education.
SB 1724	Zaffirini	Relating to conditions on the receipt of tuition and fee exemptions at public institutions of higher education.
SB 1725	Zaffirini	Relating to a tuition exemption at a four-year public institution of higher education based on a student's academic performance and timely progress toward completion of a baccalaureate degree program.
SB 1727	Zaffirini	Relating to a fixed tuition rate program for certain students who transfer to a state university after completing an associate degree program.
SB 1728	Zaffirini	Relating to a requirement that developmental coursework required for entering undergraduate students at four-year public institutions of higher education be completed at a public junior college.
SB 1729	Zaffirini	Relating to the Texas Science, Technology, Engineering, and Mathematics (T-STEM) Challenge Scholarship program.
SB 1730	Zaffirini	Relating to requiring the Texas Higher Education Coordinating Board to create a tool to allow prospective students to compare institutions of higher education by certain criteria.
SB 1731	Zaffirini	Relating to requiring public junior colleges to offer an academic associate degree program.
SB 1734	Van de Putte	Relating to tuition and fee exemptions at public institutions of higher education for certain Texas military veterans.
SB 1763	Rodriguez	Relating to the transfer of adult education and literacy programs from the

		Texas Education Agency to the Texas Higher Education Coordinating Board.
SB 1777	Williams	Relating to the composition and appointment of the board of directors of a corporation to which the board of regents of The University of Texas System delegates investment authority for the permanent university fund.
SB 1779	Williams	Relating to reports and complaints filed with and notices provided by the Texas Ethics Commission.
SB 1785	Patrick	Relating to the creation of the Texas Department of Health Professions to regulate certain health professions, the transfer of certain powers and duties to the department, and the abolishment of certain state agencies.
SB 1794	Gallegos	Relating to the employment of physicians by hospital districts.
SB 1802	Lucio	Relating to subcontracting opportunities for historically underutilized businesses under certain state purchasing contracts.
SB 1803	Lucio	Relating to investments in Texas businesses by certain public retirement systems in this state.
SB 1811	Duncan	Relating to state fiscal matters.
SB 1822	Patrick	Relating to the administration of certain supplemental student loan programs and the issuance of private activity bonds by qualified nonprofit corporations.
SB 1823	Patrick	Relating to guaranteed student loans and alternative education loans.
SB 1826	Gallegos	Relating to the definition in the open meetings law of the term "deliberation."
SB 1829	Wentworth	Relating to excluding certain entities from the definition of a governmental body for the purposes of the public information law.
SB 1836	Van de Putte	Relating to revision of open-enrollment charter school charters to add charter schools under certain circumstances.
SB 1845	Lucio	Relating to the change of the name of Texas A&M University--Kingsville to Texas A&I University.
SB 1866	W. Davis	Relating to the selection of providers of professional services by governmental entities.
SB 1872	Van de Putte	Relating to revision of open-enrollment charter school charters to add charter schools under certain circumstances.
SB 1874	Zaffirini	Relating to requiring a public institution of higher education to make certain faculty information available to the public on the institution's Internet website.
SJR 31	Wentworth	Proposing a constitutional amendment revising the order of legislative business to permit either house to act on bills and resolutions after the first 30 days of a regular session.

# Overview of the 82<sup>nd</sup> First Called Session

With the failure of SB 1811 to pass at the end of the 82<sup>nd</sup> Regular Session, Governor Rick Perry called for a Special Legislative Session to begin immediately. He initially instructed lawmakers to address the following items left unfinished at the end of the regular session: 1) fiscal matters, including implementing a public education finance plan to balance the 2012-13 state budget; 2) reforming the Texas Windstorm Insurance Association (TWIA); 3) addressing congressional redistricting; and 4) creating cost savings in the state's Medicaid program. Governor Perry later added two additional controversial issues to the call.

## Public Education

SB 1, by Senator Duncan and sponsored by House Appropriations Chairman Jim Pitts (R – Waxahachie), was the key fiscal matters bill necessary to balance the budget that was passed during the regular session that also included the public school finance plan. As expected, SB 1 passed both the House and Senate on largely party-line votes. It distributes the \$4 billion in cuts to school districts statewide using the same “hybrid” methodology agreed to by House and Senate negotiators in the regular session – a 6 percent across the board cut to school districts in FY 2012, and a requirement for wealthier districts to absorb more of the cuts in FY 2013. SB 1 also contains a provision – vetoed by Governor Perry following the regular session, but supported by legislators - requiring online retailers, such as Amazon.com, to collect sales taxes if they do business in Texas and have direct or indirect physical locations in Texas.

Lawmakers passed two additional bills related to public education during the special session, both authored by Chairman Shapiro and sponsored by Chairman Eissler. SB 6 allows school districts increased flexibility in funding for textbooks. SB 8 is the controversial public school mandate relief legislation, which allows teacher furloughs, reductions to minimum salary requirements and contract termination notifications, and additional opportunities to increase the class-size ratio. Supporters of the mandate relief said it would save jobs, while opponents, including teacher groups, argued it goes too far.

## Texas Windstorm Insurance Association

An agreement on how to reform the Texas Windstorm Insurance Association (TWIA), the state's windstorm insurer of last resort, remained out of reach during the 82<sup>nd</sup> Regular Session. At the end of the special session, lawmakers were able reach a compromise on TWIA reform, although the Texas Trial Lawyers Association still objected to a number of provisions. HB 3, by Representative Smithee and sponsored by Senator Carona, allows TWIA to sell discounted policies to people who forego their right to sue and instead agree to binding arbitration. Lawmakers will have to address long-term financial solvency issues at a later date, but passing HB 3 prevented the Legislature from being called into a second special session.

### **Congressional Redistricting**

SB 4, by Senator Seliger and sponsored by Representative Solomons addresses congressional redistricting. Like the Texas House and Senate maps passed in the regular session, SB 4 preserves the Republican majority of the state's congressional delegation. The measure passed on a party-line vote, with Democrats arguing the map violates the Voting Rights Act and separates minority communities into different districts to reduce voting strength. Litigation contesting the congressional boundaries is expected.

### **Health Care**

Lawmakers passed SB 7, by Senator Jane Nelson (R – Flower Mound) and sponsored by Representative John Zerwas (R – Katy), an omnibus health care bill intended to save \$400 million in the 2012-13 state budget. The bill expands Medicaid managed care into the Rio Grande Valley, allows doctors to partner with hospitals to reach better outcomes, and authorizes Texas to enter into an interstate healthcare compact – a controversial provision not expected to garner federal approval.

SB 7 was the subject of a heated abortion-related debate nearly derailing an agreement on the bill. The final version includes provisions to further reduce family planning funding to groups such as Planned Parenthood and prevents public hospitals from receiving state funding if they perform abortions other than in the case of a medical emergency.

### **Other Major Issues**

Late in the special session, Governor Perry added to legislators' workload by calling for legislation to ban both sanctuary cities and invasive federal Transportation Security Administration (TSA) pat-downs. The two emotionally charged and politically volatile topics divided legislators even within the same party.

Lawmakers fought bitterly over the issue of banning so-called sanctuary cities during the regular session, with the House passing a bill while the Senate did not. A bill passed from the Senate during the special session; however, after state business leaders quietly but firmly voiced their opposition the measure, the full House did not take up the issue.

Governor Perry then urged conference committee negotiators on SB 1, led by Senator Duncan, to include anti-sanctuary city language in the omnibus fiscal matters bill. When SB 1 passed without the requested language, the Governor accused Senator Duncan of single-handedly derailing the effort. Senate Republicans immediately defended Senator Duncan, saying they were unwilling to jeopardize the key public education finance bill by including the controversial measure.

Bills by Representative David Simpson (R – Longview) and Senator Dan Patrick (R – Houston) sought to ban invasive pat-downs performed during airport security screenings by federal TSA agents. A similar bill was the cause of a dramatic scene during the regular session, when Senator Patrick accused Lieutenant Governor David Dewhurst of killing the measure after the U.S. Department of Justice warned it could disrupt air travel in Texas.

House Speaker Joe Straus called the measure a "publicity stunt" and declared the "anti-groping" bill would not be heard on the House floor as it was written. House members worked to create a more legally suitable version in the form of a non-binding resolution. Meanwhile, Senators opted to pass a stricter version. Upon its passage, the Senate adjourned '*Sine Die*', leaving the House with no options other than passing the stricter version.

The House, angry the Senate adjourned before the end of the special session, refused to pass the Senate's bill. On the last day of the special session, Representative Simpson attempted to suspend House rules for a final opportunity to pass the TSA pat-down bill. When his motion failed, as was expected of a parliamentary move requiring a four-fifths vote of House members, Representative Simpson gave a blunt personal privilege speech criticizing fellow Republicans and drawing a fiery response from veteran GOP lawmakers.

### **Higher Education Legislative Issues**

The following two bills passed during the special session; both have an impact upon higher education.

**SB 1 by Duncan/Pitts - Relating to certain state fiscal matters; providing penalties.** This was the omnibus fiscal matters bill that did not pass during the regular session. Included in this was the mineral fund language previously described in the "Appropriations" section of this report. Other issues of note included in SB 1 are the following:

Article 17 of SB 1 amends the Education Code to transfer from the comptroller to the Texas Higher Education Coordinating Board responsibility for preparing a report for each state fiscal year of the number of students registered in a medical branch, school, or college, the total amount of tuition charges collected by each institution, the total amount transferred to the comptroller under certain provisions of law relating to medical tuition set-asides, and the total amount available in the physician education loan repayment program account for the repayment of student loans of physicians.

Article 23 of SB 1 would continue the operation of the Department of Information Resources for two years, until September 1, 2013. The bill would clarify the appropriate expenditure of revenue derived from the collection of fees imposed by the Department of Information Resources. The bill would exempt a database or network managed by the Department of Agriculture from the Statewide Technology Center, or data center consolidation project, managed by DIR.

Article 29 of the bill would restructure the process used to dispose of state surplus or salvage property to improve the efficiency of the program. Higher education's exemption from this section was not amended. However, new language is added that states that if disposition of surplus property is not made under other law, institutions shall transfer the equipment to a school district or open-enrollment charter school, an assistance organization, or the Texas Department of Criminal Justice. Institutions may not collect a fee or other reimbursement from the agency that receives it.

Article 50 of SB 1 limits the eligibility for Educational Aide tuition exemptions to persons seeking certification in subject areas experiencing teacher shortages in public schools as determined by the Texas Education Agency. This article would apply beginning with tuition and fees charged for the 2012 fall semester.

**SB 7 by Nelson / Zerwas - Relating to the administration, quality, and efficiency of health care, health and human services, and health benefits programs in this state; creating an offense; providing penalties.** An omnibus health care bill with a positive fiscal impact estimated at \$467.6 million over the 2012-2013 biennium. The bill makes numerous changes to health care law, including measures designed to expand the managed care model for Medicaid, facilitate the operation of health care collaboratives, and implement vaccine immunization policies for certain workers. HHSC is directed to assess and streamline Medicaid services through a number of avenues and determine the most cost-effective alignment of managed care service delivery areas. The bill expands Medicaid managed care into the Rio

Grande Valley and allows open access pharmacy networks within a managed care framework. Physicians are allowed to partner with hospitals and other health care groups to reach better outcomes, and are protected from requirements to enter into a preferred provider contract as a condition of staff membership or privileges. SB 7 establishes the Texas Emergency and Trauma Care Education Partnership Program to provide grants to partnerships between hospitals and graduate nursing or medical education programs that sought to increase training opportunities in emergency and trauma care. The Texas Higher Education Coordinating Board would administer the program.

# Appendix

## Bill Analysis Task Force

The following is a listing of those individuals that served as analysts on the BATF during the 82<sup>nd</sup> Legislative Session.

### Academic Related Issues

Ken Poenisch

### Engineering Related Issues

Bernie Fette  
Andrea Raines  
Jenny Ligon

### Facilities/Construction Related Issues

James Davidson

### Finance Related/General Operation Issues

Don Barwick  
Pierce Cantrell  
B.J. Crain  
Joseph Duron  
Wade Wynn

### Health Education Related Issues

Mike Godfrey  
Kaye Olsson  
Eric Solomon  
Doug Venuti

### Human Resource Related Issue

Joni Baker  
Patti Bonneson  
Janet Smalley

### Investment/ Treasury/ Workers Comp Issues

Greg Anderson  
Paul Bozeman  
Ellen Gerescher  
Kevin McGinnis  
Maria Robinson

### Legal Related Issues

Antonia Aguilar  
Trudy Bennett  
Brian Bricker  
Jerry Brown  
Jorge Canales  
Tim Coffey  
Warren De Luca  
Jan Faber  
Eddie Gose  
Marilyn Huston  
Gina Joseph  
Scott Kelly  
Katherine Knight  
Brooks Moore  
Andrea Pereira  
Craig Robson  
Karen Royal  
Kristen Worman

### Student Service Related Issues

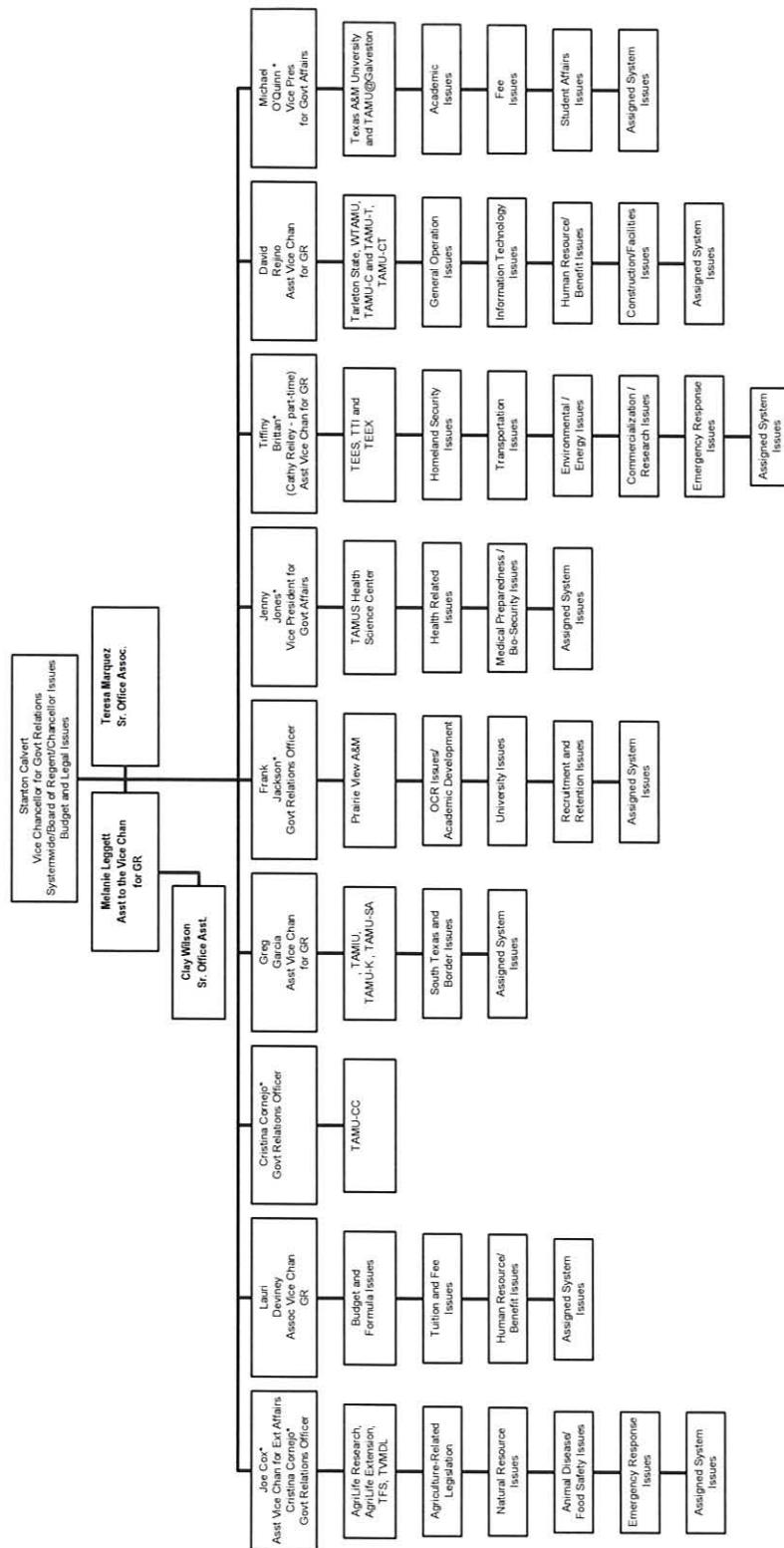
Janice Meyer





# Texas A&M University System Governmental Relations Team

2011



\* denotes a dual reporting responsibility: 1) to VC-GR for legislative contacts and for communicating System approved legislative program to Texas Legislature; and 2) to institutional CEO for faculty, staff and alumni contacts and development of institutions' legislative proposals.

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For further information regarding this report or other related topics, please contact:

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