

# HOUSE JOURNAL

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EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

FORTY-SIXTH DAY — FRIDAY, APRIL 1, 2011

The house met at 8:30 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 210).

Present — Mr. Speaker; Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Absent, Excused — Allen.

The invocation was offered by Reverend Dr. K. C. Ptomey, Jr., Zbinden Professor of Pastoral Ministry and Leadership, Austin Presbyterian Theological Seminary, Austin, as follows:

Almighty God, you have given us this good land as our heritage. Make us always remember your generosity and constantly do your will. Bless our land with honest industry, sound learning, and an honorable way of life. Save us from violence, discord, and confusion; from pride and arrogance, and from every evil way.

Bless those here gathered who hold office in the government of this state, that they may do their work in a spirit of wisdom, kindness, and justice. Help them use their authority to serve faithfully all the people of our state and to promote the general welfare.

I pray in the name of Jesus Christ. Others pray to you in other names, but we all pray in the confidence that you are a good and compassionate God who hears and responds in grace to all who call upon you, for you created all of us and call us your beloved children. Amen.

The speaker recognized Representative Kuempel who led the house in the pledges of allegiance to the United States and Texas flags.

### **REGULAR ORDER OF BUSINESS SUSPENDED**

On motion of Representative Kuempel and by unanimous consent, the reading and referral of bills was postponed until just prior to adjournment.

### **CAPITOL PHYSICIAN**

The speaker recognized Representative S. Davis who presented Dr. Lindsay Botsford of Houston as the "Doctor for the Day."

The house welcomed Dr. Botsford and thanked her for her participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

(Murphy in the chair)

### **MAJOR STATE CALENDAR HOUSE BILLS THIRD READING**

The following bills were laid before the house and read third time:

#### **HB 4 ON THIRD READING**

**(by Pitts, Aycock, Darby, Zerwas, Otto, et al.)**

**HB 4**, A bill to be entitled An Act relating to making supplemental appropriations and giving direction and adjustment authority regarding appropriations.

**HB 4** was passed by (Record 211): 105 Yeas, 41 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Dutton; Eissler; Elkins; Farrar; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miles; Miller, D.; Miller, S.; Morrison; Murphy(C); Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, Y.; Dukes; Eiland; Farias; Gallego; Giddings; Gonzales, V.; Gonzalez; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Muñoz; Naishtat; Oliveira; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker.

Absent, Excused — Allen.

Absent — Deshotel; Guillen.

The speaker stated that **HB 4** was passed subject to the provisions of Article III, Section 49a of the Texas Constitution.

### STATEMENTS OF VOTE

When Record No. 211 was taken, I was in the house but away from my desk. I would have voted no.

Deshotel

I was shown voting yes on Record No. 211. I intended to vote no.

Dutton

I was shown voting yes on Record No. 211. I intended to vote no.

Farrar

When Record No. 211 was taken, I was in the house but away from my desk. I would have voted no.

Guillen

I was shown voting yes on Record No. 211. I intended to vote no.

T. King

I was shown voting yes on Record No. 211. I intended to vote no.

Miles

I was shown voting yes on Record No. 211. I intended to vote no.

Pickett

### HB 275 ON THIRD READING

(by Pitts, Giddings, Otto, Riddle, Aycock, et al.)

**HB 275**, A bill to be entitled An Act relating to making an appropriation of money from the economic stabilization fund for expenditure during the current state fiscal biennium.

**HB 275** was passed by (Record 212): 147 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook;

Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy(C); Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Elkins.

Present, not voting — Mr. Speaker.

Absent, Excused — Allen.

The speaker stated that **HB 275** was passed subject to the provisions of Article III, Section 49a of the Texas Constitution.

**GENERAL STATE CALENDAR  
HOUSE BILLS  
THIRD READING**

The following bills were laid before the house and read third time:

**HB 71 ON THIRD READING  
(by Martinez and Hughes)**

**HB 71**, A bill to be entitled An Act relating to the fee charged for the Texas Airport Directory.

**HB 71** was passed by (Record 213): 132 Yeas, 13 Nays, 1 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycoc; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Frullo; Gallego; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Naishtat;

Nash; Oliveira; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Price; Quintanilla; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Vo; Walle; Weber; Woolley; Workman; Zerwas.

Nays — Cain; Flynn; Garza; Howard, C.; King, S.; Landtroop; Murphy(C); Orr; Perry; Simpson; Smith, W.; White; Zedler.

Present, not voting — Mr. Speaker.

Absent, Excused — Allen.

Absent — Laubenberg; Raymond; Villarreal.

### STATEMENT OF VOTE

When Record No. 213 was taken, I was in the house but away from my desk. I would have voted yes.

Raymond

(Speaker in the chair)

### MAJOR STATE CALENDAR HOUSE BILLS SECOND READING

The following bills were laid before the house and read second time:

#### CSHB 1 ON SECOND READING (by Pitts)

**CSHB 1**, General Appropriations Bill.

#### CSHB 1 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE P. KING: Just to kind of follow up on Speaker Turner's follow-up of my question. Apparently, there is a lot of authority given now to different agencies to increase fees, to provide the services that that agency—

REPRESENTATIVE PITTS: That is correct.

P. KING: And, is the way that's structured, that previously, maybe for the Ag. Commission on a particular line item, they had maybe a \$200 cap for a fee, and now that cap has been raised so now they have the authority to take it up to a \$1,000 limit or a \$500 limit?

PITTS: That's correct. Of course, if they collect more fees and we don't appropriate it, they can't spend it. We have to—they come to us and they—we'll talk about the Agricultural Commission. They came to us and said, "Our producers want a fee so we can comply with marketing products around the world." And it's going to take this fee to be able to market this product. And that's what we did. We appropriated that, contingent on them raising fees and their group wanting to do that.

P. KING: And again, I appreciate that, I know y'all are going through tremendous work in trying to put this together and find a way to make the budget balanced. But take the cosmetologist, for example. If they had the right to—if we say they could, I'm pulling this out of the air—if we said they could raise their fee from \$100 to \$500 for a license or for whatever, does our bill automatically put that in place? **HB 1**. Or does the agency, are they then required to make some affirmative decision to raise that? In other words, if we vote this in, automatically do those fees become raised, or will the cosmetologist commission have a hearing or rule-makings to determine what the appropriate fee is, so that the public will have the opportunity to come and give input?

PITTS: What we have done at Appropriations is, we will have—the agency will come to us, and this is especially Article VIII, we call them LARI riders or different things during the course of appropriations and what that is, is that the letter from the association, the Cosmetology Association will write Appropriations a letter and say, "If you give us this amount of money to be able to do certain things, we will raise our fee because our members want this done." And we have that on file for every agency that we have that says, "We will let you have this money contingent on you raising fees."

P. KING: What about for a large organization, like the Texas Railroad Commission, that has primarily been state-funded? Will they continue to be state-funded?

PITTS: They will continue to be state-funded in this bill.

P. KING: So there is nothing in this bill that will change the Railroad Commission from being state-funded to industry-funded?

PITTS: I want to let—the sub-committee chair can probably answer your question better than that.

P. KING: I know you're absolutely as concerned as I am about the possibility of, or about the intent to try avoid anything that takes any more money out of the private sector and puts it into the public sector.

PITTS: That is correct.

P. KING: Could I ask, as we go through the process today, just kind of helter skelter, that we try to be as clear as possible to those of us that didn't sit in on all of the Appropriations hearings? Dumb it down as much as possible to make us understand where we may be making a decision that has some type of intended or unintended tax or fee.

PITTS: Yes, I'll try to dummy it down so that I can understand, too.

### **REMARKS ORDERED PRINTED**

Representative P. King moved to print remarks between Representative Pitts and Representative P. King.

The motion prevailed.

**LEAVE OF ABSENCE GRANTED**

The following member was granted leave of absence for the remainder of today because of illness:

Hilderbran on motion of Hopson.

**CSHB 1 - (consideration continued)****Amendment No. 1**

Representative Pitts offered the following amendment to **CSHB 1**:

Floor Packet Page No. 2

Amend **CSHB 1** (house committee printing) as follows:

(1) In Article I of the bill, following the appropriations to the Comptroller of Public Accounts (page I-20), in Rider No. 13, between "of" and "legislation", add "**HB 269, HB 3015**, or similar".

(2) In Article I of the bill, following the appropriations to the Employees Retirement System (page I-36), in Rider No. 13:

(A) between "of" and "legislation", add "**HB 1166** or similar"; and

(B) throughout the rider, strike "surcharge" wherever it occurs and substitute "fee".

(3) In Article I of the bill, following the appropriations to the Facilities Commission (page I-42), in Rider No. 13, strike "legislation relating to the use of state parking facilities" and substitute "**SB 1068, HB 1607**, or similar legislation".

(4) In Article I of the bill, in the appropriations to the Department of Information Resources, in Strategy B.2.1, Data Center Services (page I-62), amend the funding as follows:

(A) for the state fiscal year ending August 31, 2012, strike "\$185,525,223" and substitute "\$185,668,233"; and

(B) for the state fiscal year ending August 31, 2013, strike "\$169,844,997" and substitute "\$169,978,942".

(5) In Article I of the bill, following the appropriations to the Department of Information Resources (page I-65), in Rider No. 9, in the second paragraph:

(A) strike "\$187,739,516" and substitute "\$187,882,526"; and

(B) strike "\$172,098,706" and substitute "\$172,232,651".

(6) In Article I of the bill, following the appropriations to the Veterans Commission (page I-84), in Rider No. 9, in the first paragraph, strike "and Referral" and substitute "Reporting".

(7) In Article II of the bill, following the appropriations to the Health and Human Services Commission, in Rider No. 51:

(A) in Subsection a. (page II-90), strike "and Referral" and substitute "Reporting"; and

(B) in Subsection b. (page II-91), strike "and Referral" and substitute "Reporting".

(8) In Article III of the bill, following the appropriations to The University of Texas at El Paso (page III-59), in Rider No. 2:

(A) in the transfer to Texas A&M International University: Institute for International Trade:

(i) strike "\$193,525" and substitute "\$142,241" for the state fiscal year ending August 31, 2012; and

(ii) strike "\$193,525" and substitute "\$142,241" for the state fiscal year ending August 31, 2013; and

(B) in the transfer to The University of Texas - Pan American: Center for Entrepreneurship and Economic Development:

(i) strike "\$321,001" and substitute "\$235,935" for the state fiscal year ending August 31, 2012; and

(ii) strike "\$321,001" and substitute "\$235,935" for the state fiscal year ending August 31, 2013.

(9) In Article III of the bill, in the appropriations to The University of Texas - Pan American (page III-59), in the Method of Financing for Interagency Contracts:

(A) strike "\$321,001" and substitute "\$235,935" for the state fiscal year ending August 31, 2012; and

(B) strike "\$321,001" and substitute "\$235,935" for the state fiscal year ending August 31, 2013.

(10) In Article III of the bill, in the appropriation to Texas A&M International University (page III-86), in the Method of Financing for Interagency Contracts:

(A) strike "\$193,525" and substitute "\$142,241" for the state fiscal year ending August 31, 2012; and

(B) strike "\$193,525" and substitute "\$142,241" for the state fiscal year ending August 31, 2013.

(11) In Article III of the bill, in Sec. 28 of the Special Provisions Relating Only to State Agencies of Higher Education, General Academic Funding (page III-209), in the first paragraph, strike "Orange and Lamar State College - Port Arthur," and substitute "Orange, Lamar State College - Port Arthur, and Lamar Institute of Technology,".

(12) In Article IV of the bill, following the appropriations to the Office of Court Administration, Texas Judicial Council (page IV-24), in Rider No. 3, strike "(35.5 FTEs)" and substitute "(31.5 FTEs)".

(13) In Article VIII of the bill, following the appropriations to the Department of Licensing and Regulation (page VIII-31), in Rider No. 13, strike "in excess of \$77,706,310 (Object Codes 3035, 3038, 3146, 3147, 3160, 3161, 3164, 3175, 3366, 3727)" and substitute "in excess of \$75,826,310 (Object Codes 3035, 3146, 3147, 3160, 3161, 3164, 3175, 3366, 3727)".

(14) In Article VIII of the bill, following the appropriations to the Texas Board of Nursing (page VIII-37), in Rider No. 3, strike "(Object Code 3560)" and substitute "(Object Codes 3560 and 3570)".

(15) In Article VIII of the bill, following the appropriations to the Texas Board of Nursing (page VIII-37), in Rider No. 4, strike "continent upon" and substitute "contingent upon".



(16) In Article IX of the bill, in Sec. 18.02 of the Contingency and Other Provisions, Interagency Contract to Coordinate Use of PARIS Data to Assist Veterans and Achieve Savings for State (page IX-70), strike "and Referral" and substitute "Reporting".

(17) In Article IX of the bill, in Sec. 18.03 of the Contingency and Other Provisions, Pension Plan Changes Study (page IX-70):

(A) in the first sentence of the section strike "Teachers" and substitute "Teacher"; and

(B) in the second sentence of the section strike "Teachers" and substitute "Teacher".

Amendment No. 1 was adopted.

### **Amendment No. 2**

Representatives Pitts, Darby, and Aycock offered the following amendment to **CSHB 1**:

Floor Packet Page No. 6

Amend **CSHB 1**, Article III, page III-13, by amending Rider 38 in the Texas Education Agency's bill pattern as follows:

Funding for Regional Education Service Centers. Out of the funds appropriated above in Strategy A.2.4, School Improvement and Support, the Commissioner shall distribute \$16,888,266 in fiscal year 2012 and \$17,309,037 in fiscal year 2013 to Regional Education Service Centers to provide professional development and other technical assistance services to school districts. No more than one-third of the amounts identified in this rider shall be distributed by the commissioner for core services based on criteria established in the Texas Education Code, §8.121. The remaining amounts shall be distributed through a formula based on geographic considerations and school districts serving less than 1600 students. The formula for distribution shall be determined by the Commissioner but shall provide enhanced funding to Regional Education Service Centers that primarily serve small and rural school districts. The Commissioner shall obtain approval for the distribution formula from the Legislative Budget Board and the Governor.

Amendment No. 2 was withdrawn.

### **Amendment No. 3**

Representative Simpson offered the following amendment to **CSHB 1**:

Floor Packet Page No. 7

Amend **CSHB 1** (house committee printing) as follows:

(1) In Article I of the bill, proportionally reduce the appropriations in Goals A, B, and C to the Commission on the Arts, on pages I-1 and I-2, by a total of \$2,543,273 for the fiscal year ending August 31, 2012, and by a total of \$2,543,273 for the fiscal year ending August 31, 2013.

(2) In Article II of the bill, in the items of appropriation to the Department of Aging and Disability Services, on page II-1, increase the appropriation to A.3.1. Strategy, Community-Based Alternatives, by \$2,543,273 for the fiscal year ending August 31, 2012, and by \$2,543,273 for the fiscal year ending August 31, 2013.

(3) Adjust totals and methods of finance accordingly.

#### **Amendment No. 4**

Representative Simpson offered the following amendment to Amendment No. 3:

Amend Amendment No. 3 to **CSHB 1** by Simpson (prefiled amendment packet, page 7) as follows:

(1) On page 1, line 4 of the amendment, strike "\$2,543,273" and substitute "\$1,222,115".

(2) On page 1, line 5 of the amendment, strike "\$2,543,273" and substitute "\$2,349,846".

(3) On page 1, line 10 of the amendment, strike "\$2,543,273" and substitute "\$1,222,115".

(4) On page 1, line 11 of the amendment, strike "\$2,543,273" and substitute "\$2,349,846".

Amendment No. 4 was adopted.

(Geren in the chair)

#### **Amendment No. 3 - Point of Order**

Representative Y. Davis raised a point of order against further consideration of Amendment No. 3 under Rule 4, Section 32(c) of the House Rules on the grounds that the committee report is incorrect.

The point of order was withdrawn.

Amendment No. 3, as amended, was withdrawn.

#### **Amendment No. 5**

Representative Reynolds offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 20

Amend **CSHB 1** (house committee printing) by inserting the following appropriately-numbered SECTION and renumbering any subsequent SECTIONS and updating any cross-references accordingly:

SECTION \_\_\_\_\_. Notwithstanding the appropriations by this Act of unexpended balances in General Revenue Funds appropriated for the Office of the Governor, the State Preservation Board, the Office of the Attorney General, the Texas Legislature, and the Comptroller of Public Accounts as of August 31, 2011, those balances, in the amounts estimated by this Act, are appropriated to the Texas Education Agency, Strategy A.1.1: FSP-Equalized Operations. The Office of the Governor, the State Preservation Board, the Office of the Attorney General, the Texas Legislature, and the Comptroller of Public Accounts may not

encumber their respective unexpended balances on or after March 1, 2011, and an encumbrance made after that date is void. In the event of a conflict between this rider and any other provision of this Act, this rider prevails.

Representative Otto moved to table Amendment No. 5.

The motion to table prevailed by (Record 214): 97 Yeas, 49 Nays, 2 Present, not voting.

Yeas — Anderson, C.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eiland; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Aliseda; Alonzo; Alvarado; Anchia; Anderson, R.; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Johnson; King, T.; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Smith, T.; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker; Geren(C).

Absent, Excused — Allen; Hilderbran.

### STATEMENTS OF VOTE

I was shown voting yes on Record No. 214. I intended to vote no.

Bohac

I was shown voting yes on Record No. 214. I intended to vote no.

White

### Amendment No. 6

Representative Simpson offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 7

Amend **CSHB 1** (house committee printing) as follows:

(1) In Article I of the bill, proportionally reduce the appropriations in Goals A, B, and C to the Commission on the Arts, on pages I-1 and I-2, by a total of \$2,543,273 for the fiscal year ending August 31, 2012, and by a total of \$2,543,273 for the fiscal year ending August 31, 2013.

(2) In Article II of the bill, in the items of appropriation to the Department of Aging and Disability Services, on page II-1, increase the appropriation to A.3.1. Strategy, Community-Based Alternatives, by \$2,543,273 for the fiscal year ending August 31, 2012, and by \$2,543,273 for the fiscal year ending August 31, 2013.

(3) Adjust totals and methods of finance accordingly.

### **Amendment No. 7**

Representative Simpson offered the following amendment to Amendment No. 6:

Amend Amendment No. 6 to **CSHB 1** by Simpson (prefiled amendment packet, page 7) as follows:

(1) On page 1, line 4 of the amendment, strike "\$2,543,273" and substitute "\$1,222,115".

(2) On page 1, line 5 of the amendment, strike "\$2,543,273" and substitute "\$2,349,846".

(3) On page 1, line 10 of the amendment, strike "\$2,543,273" and substitute "\$1,222,115".

(4) On page 1, line 11 of the amendment, strike "\$2,543,273" and substitute "\$2,349,846".

Amendment No. 7 was adopted.

Amendment No. 6, as amended, was adopted by (Record 215): 67 Yeas, 61 Nays, 17 Present, not voting.

Yeas — Aliseda; Anderson, R.; Bohac; Bonnen; Branch; Button; Cain; Callegari; Carter; Chisum; Christian; Creighton; Deshotel; Elkins; Farias; Flynn; Gallego; Garza; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Hamilton; Hancock; Hochberg; Hughes; Hunter; Jackson; Johnson; Keffer; King, P.; King, T.; Kolkhorst; Landtroop; Laubenberg; Legler; Lozano; Marquez; Martinez; Martinez Fischer; Menendez; Miller, S.; Muñoz; Murphy; Oliveira; Orr; Parker; Paxton; Peña; Perry; Phillips; Pickett; Quintanilla; Raymond; Schwertner; Sheets; Simpson; Smith, T.; Solomons; Strama; Taylor, V.; Torres; Walle; Weber; White; Zedler.

Nays — Alonzo; Anderson, C.; Aycock; Beck; Berman; Brown; Burkett; Cook; Craddick; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Driver; Dukes; Dutton; Eissler; Fletcher; Frullo; Harless; Harper-Brown; Hartnett; Hopson; Howard, D.; Huberty; King, S.; Kleinschmidt; Kuempel; Larson; Lavender; Lewis; Lucio; Lyne; Madden; Mallory Caraway; Margo; McClendon; Miller, D.; Morrison; Naishtat; Nash; Otto; Patrick; Pitts; Price; Reynolds; Riddle; Ritter; Rodriguez; Scott; Sheffield; Shelton; Smith, W.; Smithee; Taylor, L.; Truitt; Veasey; Woolley; Workman; Zerwas.

Present, not voting — Mr. Speaker; Alvarado; Anchia; Burnam; Castro; Eiland; Farrar; Geren(C); Giddings; Gutierrez; Hardcastle; Isaac; Miles; Thompson; Turner; Villarreal; Vo.

Absent, Excused — Allen; Hilderbran.

Absent — Coleman; Hernandez Luna; Howard, C.

**STATEMENTS OF VOTE**

I was shown voting present, not voting on Record No. 215. I intended to vote no.

Burnam

I was shown voting no on Record No. 215. I intended to vote yes.

Fletcher

I was shown voting present, not voting on Record No. 215. I intended to vote yes.

Geren

I was shown voting present, not voting on Record No. 215. I intended to vote no.

Gutierrez

When Record No. 215 was taken, my vote failed to register. I would have voted yes.

Hernandez Luna

When Record No. 215 was taken, I was in the house but away from my desk. I would have voted yes.

C. Howard

I was shown voting present, not voting on Record No. 215. I intended to vote yes.

Isaac

I was shown voting no on Record No. 215. I intended to vote yes.

Lavender

I was shown voting no on Record No. 215. I intended to vote yes.

Nash

I was shown voting no on Record No. 215. I intended to vote yes.

Riddle

I was shown voting no on Record No. 215. I intended to vote yes.

Scott

I was shown voting no on Record No. 215. I intended to vote yes.

W. Smith

I was shown voting present, not voting on Record No. 215. I intended to vote no.

Thompson

I was shown voting present, not voting on Record No. 215. I intended to vote yes.

Vo

### REASONS FOR VOTE

While I recognize the need to increase funding for the Department of Aging and Disabilities, this was not the proper method for reaching that goal. This amendment imprudently crippled an agency and will ultimately result in a loss of federal funds for our state.

Hopson

Because of a stubborn and shortsighted decision to leave billions of dollars in the rainy day fund untouched, we are being forced to choose between different variations of devastating cuts. I believe it is foolish to sacrifice federal funding for the arts by failing to provide at least minimum funding from the state. If, however, I am forced to choose between funding the arts and funding for our seniors and disabled citizens, then I must support every effort to reduce the brutal cuts directed toward these communities so dependent on our help.

Johnson

(Speaker in the chair)

#### **Amendment No. 8**

Representative Naishtat offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 21

Amend **CSHB 1** (house committee printing) by inserting the following appropriately-numbered SECTION and renumbering any subsequent SECTIONS and updating any cross-references accordingly:

SECTION \_\_\_\_\_. Unexpended balances in General Revenue Funds appropriated for the Office of the Governor, the State Preservation Board, the Office of the Attorney General, the Texas Legislature, and the Comptroller of Public Accounts as of August 31, 2011, in the amounts estimated by the General Appropriations Act for the 2012-2013 biennium, are appropriated to the Department of Aging and Disability Service, Strategy A.6.1, Nursing Facility Payment. The Office of the Governor, the State Preservation Board, the Office of the Attorney General, the Texas Legislature, and the Comptroller of Public Accounts may not encumber their respective unexpended balances on or after March 1, 2011, and an encumbrance made after that date is void.

Representative Otto moved to table Amendment No. 8.

The motion to table prevailed by (Record 216): 91 Yeas, 54 Nays, 2 Present, not voting.

Yeas — Anderson, C.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eiland; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hopson; Howard, C.; Howard, D.; Huberty; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash;

Orr; Otto; Parker; Patrick; Paxton; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; Woolley; Workman; Zedler; Zerwas.

Nays — Aliseda; Alonzo; Alvarado; Anchia; Anderson, R.; Burnam; Cain; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Hughes; Johnson; King, T.; Kuempel; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Peña; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Sheets; Solomons; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle; White.

Present, not voting — Mr. Speaker; Geren(C).

Absent, Excused — Allen; Hilderbran.

Absent — Dutton.

### STATEMENTS OF VOTE

I was shown voting yes on Record No. 216. I intended to vote no.

Bohac

I was shown voting yes on Record No. 216. I intended to vote no.

Callegari

I was shown voting yes on Record No. 216. I intended to vote no.

Harper-Brown

I was shown voting yes on Record No. 216. I intended to vote no.

P. King

I was shown voting yes on Record No. 216. I intended to vote no.

Orr

I was shown voting yes on Record No. 216. I intended to vote no.

T. Smith

### Amendment No. 9

Representative Gallego offered the following amendment to **CSHB 1**:

Floor Packet Page No. 22

Amend **CSHB 1** (house committee printing) by inserting the following appropriately-numbered rider and renumbering any subsequent riders and updating any cross-references accordingly:

SECTION \_\_\_\_\_. Notwithstanding the appropriations by this Act of unexpended balances in General Revenue Funds appropriated for the Office of the Attorney General as of August 31, 2011, the amount of \$2,000,000 is appropriated from those unexpended balances to the Texas Veterans Commission for Strategy A.1.3: Veterans Education. The Office of the Attorney General may

not encumber the unexpended balances on or after March 1, 2011, and an encumbrance made after that date is void. In the event of a conflict between this rider and any other provision of this Act, this rider prevails.

Amendment No. 9 was withdrawn.

#### **Amendment No. 10**

Representative Coleman offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 24

Amend **CSHB 1** in Article I of the bill on page I-12 by adding Rider: \_\_\_\_\_

"Report on Ongoing Legal Action. The Office of the Attorney General shall use funds appropriated above in Strategy A.1.1, Legal Services, to produce quarterly reports on the cost of ongoing legal action the Office of the Attorney General has taken regarding action by the federal government, including but not limited to any new federal law or any rule, decision, or policy adopted by a federal agency. The quarterly report shall include the following details on each legal action:

- (1) A summary of expenditures utilized as a result of the legal action;
- (2) Summaries of the FTE hours utilized as a result of the legal action;

and

- (3) Life-to-date costs of the legal action.

The initial quarterly report shall be submitted to the Legislative Budget Board, Governor, Comptroller of Public Accounts, and all Members of the Legislature on October 1, 2011."

Amendment No. 10 was withdrawn.

#### **Amendment No. 11**

Representative Frullo offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 25

Amend **CSHB 1** as follows:

(1) On page I-12, of the bill pattern for the Office of the Attorney General, add the following new rider:

Contingency Appropriation Relating to **HB 3746**. In addition to amount appropriated above, contingent upon enactment of **HB 3746** by the Eighty-second Legislature, Regular Session, 2011, or similar legislation relating to imposing or increasing a fee for the benefit of Internet Crimes Against Children task forces, and certification of \$1,500,000 each fiscal year of the biennium in additional revenue above that which has been certified by the Comptroller of Public Accounts, the Office of the Attorney General is hereby appropriated \$1,500,000 out of the General Revenue Fund each fiscal year of the 2012-13 biennium to implement provisions of the legislation.

Amendment No. 11 was withdrawn.

#### **Amendment No. 12**

Representative Phillips offered the following amendment to **CSHB 1**:



Floor Packet Page No. 26

Amend **CSHB 1** by adding the following appropriately numbered rider in Article I after the appropriations to the Office of the Attorney General:

\_\_\_\_. Contingency Appropriation: Appropriation of Choose Life License Plate Receipts. Contingent upon passage of **HB 238**, **SB 257** or similar legislation, 100 percent of license plate revenue collected on or after September 1, 2011 (estimated to be \$6,600 in fiscal year 2012 and \$6,600 in fiscal year 2013), from the sale of license plates as provided by **HB 238**, **SB 257**, or similar legislation. Funds shall be deposited to the credit of the General Revenue-Dedicated Attorney General Choose Life Account. Any additional revenues received and deposited into the Attorney General Choose Life Account are hereby appropriated to the Office of the Attorney General for the same purpose.

Amendment No. 12 was withdrawn.

#### **Amendment No. 13**

Representative Gallego offered the following amendment to **CSHB 1**:

Floor Packet Page No. 22

Amend **CSHB 1** (house committee printing) by inserting the following appropriately-numbered rider and renumbering any subsequent riders and updating any cross-references accordingly:

SECTION \_\_\_\_\_. Notwithstanding the appropriations by this Act of unexpended balances in General Revenue Funds appropriated for the Office of the Attorney General as of August 31, 2011, the amount of \$2,000,000 is appropriated from those unexpended balances to the Texas Veterans Commission for Strategy A.1.3: Veterans Education. The Office of the Attorney General may not encumber the unexpended balances on or after March 1, 2011, and an encumbrance made after that date is void. In the event of a conflict between this rider and any other provisions of this Act, this rider prevails.

Amendment No. 13 was adopted.

#### **Amendment No. 14**

Representative Coleman offered the following amendment to **CSHB 1**:

Floor Packet Page No. 24

Amend **CSHB 1** in Article I of the bill on page I-12 by adding Rider: \_\_\_\_

"Report on Ongoing Legal Action. The Office of the Attorney General shall use funds appropriated above in Strategy A.1.1, Legal Services, to produce quarterly reports on the cost of ongoing legal action the Office of the Attorney General has taken regarding action by the federal government, including but not limited to any new federal law or any rule, decision, or policy adopted by a federal agency. The quarterly report shall include the following details on each legal action:

- (1) A summary of expenditures utilized as a result of the legal action;

(2) Summaries of the FTE hours utilized as a result of the legal action;  
and

(3) Life-to-date costs of the legal action.

The initial quarterly report shall be submitted to the Legislative Budget Board, Governor, Comptroller of Public Accounts, and all Members of the Legislature on October 1, 2011."

Amendment No. 14 was adopted.

**Amendment No. 15**

Representative Martinez Fischer offered the following amendment to **CSHB 1**:

Floor Packet Page No. 8

Amend **CSHB 1** as follows:

(1) (a) Reduce the Article I appropriations to the Office of the Attorney General for Strategy B.1.1, CHILD SUPPORT ENFORCEMENT (page I-4), by \$34,547,071 for the state fiscal year ending August 31, 2012, and by \$35,293,846 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article I appropriations to the Office of the Attorney General (page I-6), strike the items and amounts listed under Acquisition of Information Resource Technologies.

(2) (a) Reduce the Article I appropriations to the Comptroller of Public Accounts for Strategy A.1.1, ONGOING AUDIT ACTIVITIES (page I-17), by \$10,108,109 for the state fiscal year ending August 31, 2012, and by \$10,108,109 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article I appropriations to the Comptroller of Public Accounts (page I-19), strike the items and amounts listed under Acquisition of Information Resource Technologies.

(3) (a) In the Article I appropriations to the Commission on State Emergency Communications (page I-29), strike Strategy A.1.2, Next Gen 9-1-1 implementation, and strike the appropriation for that strategy for each fiscal year of the biennium.

(b) In Rider 2 following the Article I appropriations to the Commission on State Emergency Communications (page I-31), strike the items and amounts listed under Acquisition of Information Resource Technologies.

(4) (a) Reduce the Article I appropriations to the Fire Fighters' Pension Commissioner for Strategy A.1.1, ADMINISTER PENSION FUND (page I-46), by \$87,500 for the state fiscal year ending August 31, 2012, and by \$87,500 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article I appropriations to the Fire Fighters' Pension Commissioner (page I-47), strike Acquisition of Information Resource Technologies (1) Web Accessibility Project.

(5) (a) Reduce the Article I appropriations to the Historical Commission for Strategy A.1.3, ARCHEOLOGICAL HERITAGE PROTECTION (page I-56), by \$250,000 for the state fiscal year ending August 31, 2012.

(b) In Rider 2 following the Article I appropriations to the Historical Commission (page I-58), strike c. Acquisition of Capital Equipment and Items, (1) La Belle Conservation Equipment and Items.

(6) (a) Reduce the Article I appropriations to the Department of Information Resources for Strategy B.2.1, DATA CENTER SERVICES (page I-62), by \$1,475,000 for the state fiscal year ending August 31, 2012, and by \$1,499,994 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article I appropriations to the Department of Information Resources (page I-63), strike the items and amounts listed under Acquisition of Information Resource Technologies.

(7) (a) Reduce the Article I appropriations to the Library & Archives Commission for Strategy A.1.1, LIBRARY RESOURCE SHARING SERVICES (page I-68), by \$627,250 for the state fiscal year ending August 31, 2012, and by \$616,626 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article I appropriations to the Library & Archives Commission (page I-69), strike the items and amounts listed under Acquisition of Information Resource Technologies (2) Data Center Consolidation.

(8) (a) Reduce the Article I appropriations to the Library & Archives Commission for Strategy B.1.1, PROVIDE ACCESS TO INFO & ARCHIVES (page I-68), by \$81,000 for the state fiscal year ending August 31, 2012, and by \$81,000 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article I appropriations to the Library & Archives Commission (page I-69), strike Acquisition of Information Resource Technologies (1) Acquisition of New or Replacement Computer Resources for Desktop Workstations and Network Equipment.

(9) (a) Reduce the Article I appropriations to the Secretary of State for Strategy A.1.1, DOCUMENT FILING (page I-78), by \$2,160,076 for the state fiscal year ending August 31, 2012, and by \$2,217,296 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article I appropriations to the Secretary of State (page I-80), strike the items and amounts listed under Acquisition of Information Resource Technologies.

(10) (a) Reduce the Article I appropriations to the Veterans Commission for Strategy B.1.1, CENTRAL ADMINISTRATION (page I-82), by \$30,980 for the state fiscal year ending August 31, 2012, and by \$30,980 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article I appropriations to the Veterans Commission (page I-83), strike the items and amounts listed under Acquisition of Information Resource Technologies.

(11) (a) Reduce the Article II appropriations to the Department of Aging and Disability Services for Strategy C.1.2, IT PROGRAM SUPPORT (page II-2), by \$3,598,640 for the state fiscal year ending August 31, 2012, and by \$3,915,049 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article II appropriations to the Department of Aging and Disability Services (page II-7), strike the items and amounts listed under Acquisition of Information Resource Technologies, (3) Data Center Consolidation.

(12) (a) Reduce the Article II appropriations to the Department of Assistive and Rehabilitative Services for Strategy B.3.1, VOCATIONAL REHABILITATION-GENERAL (page II-22), by \$2,000,000 for the state fiscal year ending August 31, 2012, and by \$2,000,000 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article II appropriations to the Department of Assistive and Rehabilitative Services (page II-25), strike the items and amounts listed under Acquisition of Information Resource Technologies, (1) Seat Management Services.

(13) (a) Reduce the Article II appropriations to the Department of Assistive and Rehabilitative Services for Strategy D.1.4, IT PROGRAM SUPPORT (page II-22), by \$3,106,060 for the state fiscal year ending August 31, 2012, and by \$3,106,060 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article II appropriations to the Department of Assistive and Rehabilitative Services (page II-25), strike the items and amounts listed under Acquisition of Information Resource Technologies, (2) Data Center Consolidation.

(14) (a) Reduce the Article II appropriations to the Department of Family and Protective Services for Strategy F.1.4, IT PROGRAM SUPPORT (page II-34), by \$3,316,470 for the state fiscal year ending August 31, 2012, and by \$3,316,470 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article II appropriations to the Department of Family and Protective Services (page II-37), strike Acquisition of Information Resource Technologies, (4) Data Center Consolidation.

(15) (a) Reduce the Article II appropriations to the Department of State Health Services for Strategy A.1.1., PUBLIC HEALTH PREP. & COORD. SVCS (page II-46), by \$6,126,604 for the state fiscal year ending August 31, 2012, and by \$5,505,313 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article II appropriations to the Department of State Health Services (page II-51), strike Acquisition of Information Resource Technologies, (1) Seat Management.

(16) (a) Reduce the Article II appropriations to the Department of State Health Services for Strategy E.1.2., IT PROGRAM SUPPORT (page II-47), by \$10,120,020 for the state fiscal year ending August 31, 2012, and by \$10,139,902 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article II appropriations to the Department of State Health Services (page II-51), strike Acquisition of Information Resource Technologies, (2) Data Center Consolidation.

(17) (a) Reduce the Article II appropriations to the Health and Human Services Commission for Strategy A.2.1., CONSOLIDATED SYSTEM SUPPORT (page II-73), by \$55,893,298 for the state fiscal year ending August 31, 2012, and by \$38,101,809 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article II appropriations to the Health and Human Services Commission (page II-76), strike Acquisition of Information Resource Technologies, (1) Data Center Consolidation, and (2) Seat Management Services (PCs, Laptops, & Servers).

(18) (a) Reduce the Article II appropriations to the Health and Human Services Commission for Strategy A.1.2., INTEGRATED ELIGIBILITY & ENROLLMENT (page II-73), by \$68,426,440 for the state fiscal year ending August 31, 2012, and by \$53,294,645 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article II appropriations to the Health and Human Services Commission (page II-76), strike Acquisition of Information Resource Technologies, (6) Texas Integrated Eligibility Redesign System.

(19) (a) Reduce the Article III appropriations to the Texas Education Agency for Strategy B.3.5., INFORMATION SYSTEMS-TECHNOLOGY (page III-2), by \$8,366,629 for the state fiscal year ending August 31, 2012, and by \$8,279,120 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article III appropriations to the Texas Education Agency (page III-5), strike Acquisition of Information Resource Technologies, (2) Data Center Consolidation.

(20) (a) Reduce the Article V appropriations to the Alcoholic Beverage Commission for Strategy C.1.1, COMPLIANCE MONITORING (page V-7), by \$385,875 for the state fiscal year ending August 31, 2012, and by \$385,875 for the state fiscal year ending August 31, 2013.

(b) Reduce the Article V appropriations to the Alcoholic Beverage Commission for Strategy D.1.2, INFORMATION RESOURCES (page V-7), by \$994,385 for the state fiscal year ending August 31, 2012, and by \$975,361 for the state fiscal year ending August 31, 2013.

(c) In Rider 2 following the Article V appropriations to the Alcoholic Beverage Commission (page V-8), strike Acquisition of Information Resource Technologies, (a)(2) Hardware/Software Acquisitions, (a)(3) Data Center Consolidation, and (b)(1) Fleet Acquisition-Replacement Vehicles.

(21) (a) Reduce the Article V appropriations to the Department of Criminal Justice for Strategy G.1.5, INFORMATION RESOURCES (page V-12), by \$17,109,379 for the state fiscal year ending August 31, 2012, and by \$17,109,379 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article V appropriations to the Department of Criminal Justice (page V-14), strike Acquisition of Information Resource Technologies, (c)(1) Data Center Consolidation.

(22) (a) Reduce the Article V appropriations to the Youth Commission for Strategy D.1.2, INFORMATION RESOURCES (page V-48), by \$2,029,000 for the state fiscal year ending August 31, 2012, and by \$1,993,000 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article V appropriations to the Youth Commission (page V-50), strike Acquisition of Information Resource Technologies, (2) Data Center Consolidation.

(23) (a) Reduce the Article VII appropriations to the Department of Housing and Community Affairs for Strategy F.1.2, INFORMATION RESOURCE TECHNOLOGIES (page VII-2), by \$95,000 for the state fiscal year ending August 31, 2012, and by \$95,000 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article VII appropriations to the Department of Housing and Community Affairs (page VII-5), strike the items and amounts listed under Acquisition of Information Resource Technologies.

(24) (a) Reduce the Article VII appropriations to the Department of Motor Vehicles for Strategy B.1.1, INDIRECT ADMINISTRATION (page VII-12), by \$4,164,118 for the state fiscal year ending August 31, 2012, and by \$4,337,719 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article VII appropriations to the Department of Motor Vehicles (page VII-14), strike Acquisition of Information Resource Technologies, (4) Data Center Consolidation.

(25) (a) Reduce the Article VII appropriations to the Department of Transportation for Strategy A.1.4, RESEARCH (page VII-20), by \$15,369,146 for the state fiscal year ending August 31, 2012, and by \$15,522,640 for the state fiscal year ending August 31, 2013.

(b) Reduce the Article VII appropriations to the Department of Transportation for Strategy B.1.3, CONSTRUCTION GRANTS AND SERVICES (page VII-20), by \$13,173,528 for the state fiscal year ending August 31, 2012, and by \$10,929,482 for the state fiscal year ending August 31, 2013.

(c) In Rider 2 following the Article VII appropriations to the Department of Transportation (pages VII-23 and VII-24), strike Acquisition of Information Resource Technologies, (1) Data Center Consolidation and (2) Technology Replacement and Upgrade.

(26) (a) Reduce the Article VII appropriations to the Texas Workforce Commission for Strategy A.1.4, EMPLOYMENT AND COMMUNITY SERVICES (page VII-35), by \$20,712,034 for the state fiscal year ending August 31, 2012, and by \$22,339,862 for the state fiscal year ending August 31, 2013.

(b) Reduce the Article VII appropriations to the Texas Workforce Commission for Strategy C.1.2, INFORMATION RESOURCES (page VII-36), by \$1,600,000 for the state fiscal year ending August 31, 2012, and by \$1,600,000 for the state fiscal year ending August 31, 2013.

(c) In Rider 2 following the Article VII appropriations to the Texas Workforce Commission (page VII-38), strike Acquisition of Information Resource Technologies, (1) Data Center Consolidation and (4) PC Infrastructure and Refresh.

(27) (a) Reduce the Article VIII appropriations to the Health Professions Council for Strategy A.1.1, AGENCY COORDINATION AND SUPPORT (page VIII-12), by \$60,668 for the state fiscal year ending August 31, 2012, and by \$59,352 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article VIII appropriations to the Health Professions Council (page VIII-13), strike Acquisition of Information Resource Technologies, (2) Data Center Consolidation (for Shared Regulatory Database Migration).

(28) (a) Reduce the Article VIII appropriations to the Department of Insurance for Strategy A.1.1, CONSUMER EDUCATION AND OUTREACH (page VIII-16), by \$3,697,373 for the state fiscal year ending August 31, 2012, and by \$3,678,561 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article VIII appropriations to the Department of Insurance (page VIII-19), strike Acquisition of Information Resource Technologies, (1) Data Center Consolidation.

(29) (a) Reduce the Article VIII appropriations to the Department of Licensing and Regulation for Strategy A.1.4, CUSTOMER SERVICE (page VIII-28), by \$330,635 for the state fiscal year ending August 31, 2012, and by \$266,853 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article VIII appropriations to the Department of Licensing and Regulation (page VIII-29), strike the items and amounts listed under Acquisition of Information Resource Technologies.

(30) (a) Reduce the Article VIII appropriations to the Texas Medical Board for Strategy A.1.1, LICENSING (page VIII-32), by \$175,500 for the state fiscal year ending August 31, 2012, and by \$55,000 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article VIII appropriations to the Texas Medical Board (page VIII-34), strike the items and amounts listed under Acquisition of Information Resource Technologies.

(31) (a) Reduce the Article VIII appropriations to the Public Utility Commission of Texas for Strategy A.1.1, MARKET COMPETITION (page VIII-60), by \$343,552 for the state fiscal year ending August 31, 2012, and by \$332,869 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article VIII appropriations to the Public Utility Commission of Texas (page VIII-62), strike the items and amounts listed under Acquisition of Information Resource Technologies.

(32) In Article III, increase the amount appropriated to the Texas Education Agency for each fiscal year for Strategy A.1.1., FSP - Equalized Operations (page III-2), by the total amount of the reductions made in Items (1) - (31) of this amendment.

(33) Adjust totals and methods of financing accordingly.

### **Amendment No. 16**

Representative Martinez Fischer offered the following amendment to Amendment No. 15:

Amend Amendment No. 15 to **CSHB 1** by Martinez Fischer (prefiled amendment packet, pages 8-17) as follows:

(1) Strike Items (1) and (7) of the amendment and renumber subsequent Items accordingly.

(2) In Item (32) on page 10, line 19 of the amendment, strike "Items (1)-(31) of this amendment" and substitute "the preceding items of this amendment".

Amendment No. 16 was adopted.

Amendment No. 15, as amended, was withdrawn.

**Amendment No. 17**

Representative Gallego offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 34

Amend **CSHB 1** (house committee printing), Article I, Texas Comptroller of Public Accounts by adding the following new section to be numbered appropriately:

Sec. \_\_\_\_\_. To improve transparency and ensure that essential state revenue information is available to each member of the legislature in a timely manner, the Comptroller shall prepare and transmit to each member of the legislature for each fiscal year of the 2012-2013 biennium a monthly report identifying the amount of collections of general revenue-related funds by source. The monthly report shall also include the cumulative amount of general revenue-related funds by source to date and the total amount estimated to be available for the fiscal year in the Comptroller's January 2011 Biennial Revenue Estimate for 2012-2013. If, at any time, the Comptroller shall change or update an estimate of general revenue-related funds as itemized in the January 2011 Biennial Revenue Estimate, the monthly report must include the amount and source of the adjustment.

Amendment No. 17 was adopted.

**Amendment No. 18**

Representative Martinez Fischer offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 8

Amend **CSHB 1** as follows:

(1) (a) Reduce the Article I appropriations to the Office of the Attorney General for Strategy B.1.1, CHILD SUPPORT ENFORCEMENT (page I-4), by \$34,547,071 for the state fiscal year ending August 31, 2012, and by \$35,293,846 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article I appropriations to the Office of the Attorney General (page I-6), strike the items and amounts listed under Acquisition of Information Resource Technologies.

(2) (a) Reduce the Article I appropriations to the Comptroller of Public Accounts for Strategy A.1.1, ONGOING AUDIT ACTIVITIES (page I-17), by \$10,108,109 for the state fiscal year ending August 31, 2012, and by \$10,108,109 for the state fiscal year ending August 31, 2013.



(b) In Rider 2 following the Article I appropriations to the Comptroller of Public Accounts (page I-19), strike the items and amounts listed under Acquisition of Information Resource Technologies.

(3) (a) In the Article I appropriations to the Commission on State Emergency Communications (page I-29), strike Strategy A.1.2, Next Gen 9-1-1 implementation, and strike the appropriation for that strategy for each fiscal year of the biennium.

(b) In Rider 2 following the Article I appropriations to the Commission on State Emergency Communications (page I-31), strike the items and amounts listed under Acquisition of Information Resource Technologies.

(4) (a) Reduce the Article I appropriations to the Fire Fighters' Pension Commissioner for Strategy A.1.1, ADMINISTER PENSION FUND (page I-46), by \$87,500 for the state fiscal year ending August 31, 2012, and by \$87,500 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article I appropriations to the Fire Fighters' Pension Commissioner (page I-47), strike Acquisition of Information Resource Technologies (1) Web Accessibility Project.

(5) (a) Reduce the Article I appropriations to the Historical Commission for Strategy A.1.3, ARCHEOLOGICAL HERITAGE PROTECTION (page I-56), by \$250,000 for the state fiscal year ending August 31, 2012.

(b) In Rider 2 following the Article I appropriations to the Historical Commission (page I-58), strike c. Acquisition of Capital Equipment and Items, (1) La Belle Conservation Equipment and Items.

(6) (a) Reduce the Article I appropriations to the Department of Information Resources for Strategy B.2.1, DATA CENTER SERVICES (page I-62), by \$1,475,000 for the state fiscal year ending August 31, 2012, and by \$1,499,994 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article I appropriations to the Department of Information Resources (page I-63), strike the items and amounts listed under Acquisition of Information Resource Technologies.

(7) (a) Reduce the Article I appropriations to the Library & Archives Commission for Strategy A.1.1, LIBRARY RESOURCE SHARING SERVICES (page I-68), by \$627,250 for the state fiscal year ending August 31, 2012, and by \$616,626 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article I appropriations to the Library & Archives Commission (page I-69), strike the items and amounts listed under Acquisition of Information Resource Technologies (2) Data Center Consolidation.

(8) (a) Reduce the Article I appropriations to the Library & Archives Commission for Strategy B.1.1, PROVIDE ACCESS TO INFO & ARCHIVES (page I-68), by \$81,000 for the state fiscal year ending August 31, 2012, and by \$81,000 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article I appropriations to the Library & Archives Commission (page I-69), strike Acquisition of Information Resource Technologies (1) Acquisition of New or Replacement Computer Resources for Desktop Workstations and Network Equipment.

(9) (a) Reduce the Article I appropriations to the Secretary of State for Strategy A.1.1, DOCUMENT FILING (page I-78), by \$2,160,076 for the state fiscal year ending August 31, 2012, and by \$2,217,296 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article I appropriations to the Secretary of State (page I-80), strike the items and amounts listed under Acquisition of Information Resource Technologies.

(10) (a) Reduce the Article I appropriations to the Veterans Commission for Strategy B.1.1, CENTRAL ADMINISTRATION (page I-82), by \$30,980 for the state fiscal year ending August 31, 2012, and by \$30,980 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article I appropriations to the Veterans Commission (page I-83), strike the items and amounts listed under Acquisition of Information Resource Technologies.

(11) (a) Reduce the Article II appropriations to the Department of Aging and Disability Services for Strategy C.1.2, IT PROGRAM SUPPORT (page II-2), by \$3,598,640 for the state fiscal year ending August 31, 2012, and by \$3,915,049 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article II appropriations to the Department of Aging and Disability Services (page II-7), strike the items and amounts listed under Acquisition of Information Resource Technologies, (3) Data Center Consolidation.

(12) (a) Reduce the Article II appropriations to the Department of Assistive and Rehabilitative Services for Strategy B.3.1, VOCATIONAL REHABILITATION-GENERAL (page II-22), by \$2,000,000 for the state fiscal year ending August 31, 2012, and by \$2,000,000 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article II appropriations to the Department of Assistive and Rehabilitative Services (page II-25), strike the items and amounts listed under Acquisition of Information Resource Technologies, (1) Seat Management Services.

(13) (a) Reduce the Article II appropriations to the Department of Assistive and Rehabilitative Services for Strategy D.1.4, IT PROGRAM SUPPORT (page II-22), by \$3,106,060 for the state fiscal year ending August 31, 2012, and by \$3,106,060 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article II appropriations to the Department of Assistive and Rehabilitative Services (page II-25), strike the items and amounts listed under Acquisition of Information Resource Technologies, (2) Data Center Consolidation.

(14) (a) Reduce the Article II appropriations to the Department of Family and Protective Services for Strategy F.1.4, IT PROGRAM SUPPORT (page II-34), by \$3,316,470 for the state fiscal year ending August 31, 2012, and by \$3,316,470 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article II appropriations to the Department of Family and Protective Services (page II-37), strike Acquisition of Information Resource Technologies, (4) Data Center Consolidation.

(15) (a) Reduce the Article II appropriations to the Department of State Health Services for Strategy A.1.1., PUBLIC HEALTH PREP. & COORD. SVCS (page II-46), by \$6,126,604 for the state fiscal year ending August 31, 2012, and by \$5,505,313 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article II appropriations to the Department of State Health Services (page II-51), strike Acquisition of Information Resource Technologies, (1) Seat Management.

(16) (a) Reduce the Article II appropriations to the Department of State Health Services for Strategy E.1.2., IT PROGRAM SUPPORT (page II-47), by \$10,120,020 for the state fiscal year ending August 31, 2012, and by \$10,139,902 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article II appropriations to the Department of State Health Services (page II-51), strike Acquisition of Information Resource Technologies, (2) Data Center Consolidation.

(17) (a) Reduce the Article II appropriations to the Health and Human Services Commission for Strategy A.2.1., CONSOLIDATED SYSTEM SUPPORT (page II-73), by \$55,893,298 for the state fiscal year ending August 31, 2012, and by \$38,101,809 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article II appropriations to the Health and Human Services Commission (page II-76), strike Acquisition of Information Resource Technologies, (1) Data Center Consolidation, and (2) Seat Management Services (PCs, Laptops, & Servers).

(18) (a) Reduce the Article II appropriations to the Health and Human Services Commission for Strategy A.1.2., INTEGRATED ELIGIBILITY & ENROLLMENT (page II-73), by \$68,426,440 for the state fiscal year ending August 31, 2012, and by \$53,294,645 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article II appropriations to the Health and Human Services Commission (page II-76), strike Acquisition of Information Resource Technologies, (6) Texas Integrated Eligibility Redesign System.

(19) (a) Reduce the Article III appropriations to the Texas Education Agency for Strategy B.3.5., INFORMATION SYSTEMS-TECHNOLOGY (page III-2), by \$8,366,629 for the state fiscal year ending August 31, 2012, and by \$8,279,120 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article III appropriations to the Texas Education Agency (page III-5), strike Acquisition of Information Resource Technologies, (2) Data Center Consolidation.

(20) (a) Reduce the Article V appropriations to the Alcoholic Beverage Commission for Strategy C.1.1, COMPLIANCE MONITORING (page V-7), by \$385,875 for the state fiscal year ending August 31, 2012, and by \$385,875 for the state fiscal year ending August 31, 2013.

(b) Reduce the Article V appropriations to the Alcoholic Beverage Commission for Strategy D.1.2, INFORMATION RESOURCES (page V-7), by \$994,385 for the state fiscal year ending August 31, 2012, and by \$975,361 for the state fiscal year ending August 31, 2013.

(c) In Rider 2 following the Article V appropriations to the Alcoholic Beverage Commission (page V-8), strike Acquisition of Information Resource Technologies, (a)(2) Hardware/Software Acquisitions, (a)(3) Data Center Consolidation, and (b)(1) Fleet Acquisition-Replacement Vehicles.

(21) (a) Reduce the Article V appropriations to the Department of Criminal Justice for Strategy G.1.5, INFORMATION RESOURCES (page V-12), by \$17,109,379 for the state fiscal year ending August 31, 2012, and by \$17,109,379 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article V appropriations to the Department of Criminal Justice (page V-14), strike Acquisition of Information Resource Technologies, (c)(1) Data Center Consolidation.

(22) (a) Reduce the Article V appropriations to the Youth Commission for Strategy D.1.2, INFORMATION RESOURCES (page V-48), by \$2,029,000 for the state fiscal year ending August 31, 2012, and by \$1,993,000 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article V appropriations to the Youth Commission (page V-50), strike Acquisition of Information Resource Technologies, (2) Data Center Consolidation.

(23) (a) Reduce the Article VII appropriations to the Department of Housing and Community Affairs for Strategy F.1.2, INFORMATION RESOURCE TECHNOLOGIES (page VII-2), by \$95,000 for the state fiscal year ending August 31, 2012, and by \$95,000 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article VII appropriations to the Department of Housing and Community Affairs (page VII-5), strike the items and amounts listed under Acquisition of Information Resource Technologies.

(24) (a) Reduce the Article VII appropriations to the Department of Motor Vehicles for Strategy B.1.1, INDIRECT ADMINISTRATION (page VII-12), by \$4,164,118 for the state fiscal year ending August 31, 2012, and by \$4,337,719 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article VII appropriations to the Department of Motor Vehicles (page VII-14), strike Acquisition of Information Resource Technologies, (4) Data Center Consolidation.

(25) (a) Reduce the Article VII appropriations to the Department of Transportation for Strategy A.1.4, RESEARCH (page VII-20), by \$15,369,146 for the state fiscal year ending August 31, 2012, and by \$15,522,640 for the state fiscal year ending August 31, 2013.

(b) Reduce the Article VII appropriations to the Department of Transportation for Strategy B.1.3, CONSTRUCTION GRANTS AND SERVICES (page VII-20), by \$13,173,528 for the state fiscal year ending August 31, 2012, and by \$10,929,482 for the state fiscal year ending August 31, 2013.

(c) In Rider 2 following the Article VII appropriations to the Department of Transportation (pages VII-23 and VII-24), strike Acquisition of Information Resource Technologies, (1) Data Center Consolidation and (2) Technology Replacement and Upgrade.

(26) (a) Reduce the Article VII appropriations to the Texas Workforce Commission for Strategy A.1.4, EMPLOYMENT AND COMMUNITY SERVICES (page VII-35), by \$20,712,034 for the state fiscal year ending August 31, 2012, and by \$22,339,862 for the state fiscal year ending August 31, 2013.

(b) Reduce the Article VII appropriations to the Texas Workforce Commission for Strategy C.1.2, INFORMATION RESOURCES (page VII-36), by \$1,600,000 for the state fiscal year ending August 31, 2012, and by \$1,600,000 for the state fiscal year ending August 31, 2013.

(c) In Rider 2 following the Article VII appropriations to the Texas Workforce Commission (page VII-38), strike Acquisition of Information Resource Technologies, (1) Data Center Consolidation and (4) PC Infrastructure and Refresh.

(27) (a) Reduce the Article VIII appropriations to the Health Professions Council for Strategy A.1.1, AGENCY COORDINATION AND SUPPORT (page VIII-12), by \$60,668 for the state fiscal year ending August 31, 2012, and by \$59,352 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article VIII appropriations to the Health Professions Council (page VIII-13), strike Acquisition of Information Resource Technologies, (2) Data Center Consolidation (for Shared Regulatory Database Migration).

(28) (a) Reduce the Article VIII appropriations to the Department of Insurance for Strategy A.1.1, CONSUMER EDUCATION AND OUTREACH (page VIII-16), by \$3,697,373 for the state fiscal year ending August 31, 2012, and by \$3,678,561 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article VIII appropriations to the Department of Insurance (page VIII-19), strike Acquisition of Information Resource Technologies, (1) Data Center Consolidation.

(29) (a) Reduce the Article VIII appropriations to the Department of Licensing and Regulation for Strategy A.1.4, CUSTOMER SERVICE (page VIII-28), by \$330,635 for the state fiscal year ending August 31, 2012, and by \$266,853 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article VIII appropriations to the Department of Licensing and Regulation (page VIII-29), strike the items and amounts listed under Acquisition of Information Resource Technologies.

(30) (a) Reduce the Article VIII appropriations to the Texas Medical Board for Strategy A.1.1, LICENSING (page VIII-32), by \$175,500 for the state fiscal year ending August 31, 2012, and by \$55,000 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article VIII appropriations to the Texas Medical Board (page VIII-34), strike the items and amounts listed under Acquisition of Information Resource Technologies.

(31) (a) Reduce the Article VIII appropriations to the Public Utility Commission of Texas for Strategy A.1.1, MARKET COMPETITION (page VIII-60), by \$343,552 for the state fiscal year ending August 31, 2012, and by \$332,869 for the state fiscal year ending August 31, 2013.

(b) In Rider 2 following the Article VIII appropriations to the Public Utility Commission of Texas (page VIII-62), strike the items and amounts listed under Acquisition of Information Resource Technologies.

(32) In Article III, increase the amount appropriated to the Texas Education Agency for each fiscal year for Strategy A.1.1., FSP - Equalized Operations (page III-2), by the total amount of the reductions made in Items (1) - (31) of this amendment.

(33) Adjust totals and methods of financing accordingly.

Amendment No. 18 was withdrawn.

### **Amendment No. 19**

Representative Coleman offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 39

Amend **CSHB 1** as follows:

(1) In Article I, page \_\_\_\_, reduce general revenue funding for the Facility Commission by \$10,000,000 in FY2012 and by \$10,000,000 in FY2013.

(2) Increase funding in Article II, page \_\_\_\_, Strategy A.2.2, HIV/STD Prevention, by \$20,000,000 in FY2013.

Representative Otto moved to table Amendment No. 19.

The motion to table prevailed by (Record 217): 98 Yeas, 47 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Johnson; King, T.; Lozano; Lucio; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Peña; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Allen; Hilderbran.

Absent — Laubenberg; Mallory Caraway.

**Amendment No. 20**

Representative Otto offered the following amendment to **CSHB 1**:

Floor Packet Page No. S-1

Amend **CSHB 1** as follows:

(1) Under Article I, pages I-20 and I-21, delete Rider 14 and renumber subsequent riders accordingly. Appropriations and FTE positions identified in Rider 14 shall be transferred to the Texas Facilities Commission and are hereby appropriated for the 2012-13 biennium. In addition, the bill pattern for the Texas Facilities Commission shall be amended to include the following rider:

\_\_\_\_\_. Federal Surplus Property Program. Out of amounts appropriated above, \$1,009,838 in fiscal year 2012 and \$1,022,384 in fiscal year 2013 in Strategy C.1.1, Surplus Property Management, are appropriated out of the General Revenue-Dedicated Federal Surplus Property Service Charge Fund Account No. 570, including 13.5 full-time equivalent (FTE) positions in each fiscal year.

Any unexpended balances as of August 31, 2011 (estimated to be \$2,398,000), in the General Revenue-Dedicated Federal Surplus Property Service Charge Fund Account No. 570 are included in amounts appropriated above to the Texas Facilities Commission for costs associated with the operations of the Federal Surplus Property Program during the 2012-13 biennium. Any balances remaining on August 31, 2012, are appropriated for the same use during fiscal year 2013. Fees, fines and other miscellaneous revenues as authorized and generated by the operation of the Federal Surplus Property Program shall cover, at a minimum, the cost of the appropriations made for the Federal Surplus Property Program above in Strategy C.1.1, Surplus Property Management, as well as the "other direct and indirect costs" associated with this program, appropriated elsewhere in this Act. "Other direct and indirect costs" for the Federal Surplus Property Program above for Strategy C.1.1, Surplus Property Management, are estimated to be \$220,162 for fiscal year 2012 and \$218,616 for fiscal year 2013. In the event that the actual and/or projected revenue collections are insufficient to offset the costs identified by this provision, the Legislative Budget Board may direct the Texas Facilities Commission to reduce the appropriation authority provided herein to be within the amount of fee revenue expected to be available.

(2) Under Article I, pages I-21 and I-22, delete Rider 15 and renumber subsequent riders accordingly. Appropriations and FTE positions identified in Rider 15 shall be transferred to the Texas Facilities Commission and are hereby appropriated for the 2012-13 biennium. In addition, the bill pattern for the Texas Facilities Commission shall be amended to include the following rider:

\_\_\_\_\_. State Surplus Property Program. Out of amounts appropriated above in Strategy C.1.1., Surplus Property Management, \$790,326 in each fiscal year out of appropriated Receipts are appropriated for the State Surplus Property Program, including 11.0 full-time equivalent (FTE) positions in each fiscal year.

Notwithstanding Article IX Sec. 8.03, Reimbursements and Payments or similar provisions of this Act, appropriations for the State Surplus Property Program are not to exceed \$1,580,652 from receipts collected by the State Surplus Property Program for the biennium beginning September 1, 2011 to be collected pursuant to Chapter 2175, Government Code.

a. Out of funds appropriated above, the Texas Facilities Commission shall maintain a surplus property inventory information system to efficiently process and manage the State Surplus Property Program inventory and facilitate the tracking of property sales conducted by the Texas Facilities Commission.

b. Based on an annual risk assessment, the Texas Facilities Program shall target the education and outreach efforts of the State Surplus Property Program to select state agencies to ensure appropriate and timely identification of disposition of eligible surplus property.

c. The Texas Facilities Commission shall develop and track performance benchmarks and targets necessary to evaluate the efficiency and effectiveness of the State Surplus Property Program, specifically evaluating the timeliness, cost, and profitability of program operations. The Texas Facilities Commission shall report to the Legislative Budget Board and the Governor, no later than October 15 in each year of the biennium, on the following:

i. Surplus property sales proceeds for the previous fiscal year by method of sale. In addition, the report submitted for fiscal year 2011 operations shall contain a five-year history of sales proceeds by method of sale.

ii. Distribution of surplus property sales proceeds for the previous fiscal year, including, at a minimum, remittances to state agencies, expenditures by the State Surplus Property Program, and amounts returned to General Revenue. In addition, the report submitted for fiscal year 2011 operations shall contain a five-year history of the distribution of sales proceeds.

iii. Breakout of the direct and indirect operational costs incurred by the State Surplus Property Program during the previous fiscal year. In addition, the report submitted for fiscal year 2011 operations shall contain a five-year history of program costs.

iv. Percent of the estimated inventory value of surplus property items recovered through disposal, by sales method, for the previous fiscal year. Inventory value is defined as the estimated value assigned to an item upon receipt by the program.

v. Timeliness of surplus property disposal for the previous fiscal year by method of sale. Timeliness is defined as the time, in days, between receipt of the property by the program and final disposition of the property through sale, salvage, donation, or other means of disposal.

vi. Description of the risk assessment process used in item b of this rider, and the resulting agencies targeted by education and outreach efforts. Briefly describe the education and outreach efforts used in targeting these agencies and how they differ from standard program efforts.

Amendment No. 20 was adopted.



**Amendment No. 21**

Representative Sheffield offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 40

Amend **CSHB 1** as follows:

(1) On page I-38 of the Facilities Commission bill pattern, reduce the following strategy by \$500,000 in General Revenue Funds in fiscal year 2012 and \$500,000 in General Revenue Funds in fiscal year 2013: B.1.1. Custodial.

(2) On page I-81 of the Veterans Commission bill pattern, increase the following by \$500,000 in General Revenue Funds in fiscal year 2012 and \$500,000 in General Revenue Funds in fiscal year 2013: A.1.1. Claims Representation and Counseling.

**Amendment No. 22**

Representative Sheffield offered the following amendment to Amendment No. 21:

Amend the amendment by Sheffield on page 40 to read as follows:

(1) On page I-62 of the Department of Information Services bill pattern, reduce the following strategy by \$500,000 in General Revenue Funds in fiscal year 2012 and \$500,000 in General Revenue Funds in fiscal year 2013: B.2.2. TEXASONLINE.

(2) On page I-81 of the Veterans Commission bill pattern, increase the following by \$500,000 in General Revenue Funds in fiscal year 2012 and \$500,000 in General Revenue Funds in fiscal year 2013: A.1.1. Claims Representation and Counseling.

Amendment No. 22 was adopted.

Amendment No. 21, as amended, was adopted.

**Amendment No. 23**

Representative Perry offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 41

Amend **CSHB 1** as follows:

(1) In Article I of the bill, following the appropriations to the Office of the Governor, add the following appropriately numbered rider:

\_\_\_\_\_. Contingent Establishment of Office of Inspector General. Contingent on the enactment of **HB 3101** or similar legislation of the 82nd Legislature, Regular Session, relating to the creation of an office of inspector general within the Office of the Governor that will be responsible for the investigation of fraudulent insurance acts in this state, including Medicaid fraud and fraud under the workers' compensation system, it is the intent of the legislature that the Office of the Governor use an appropriate portion of the money appropriated to the office by this Act and available for the purpose to establish the office of inspector general in the manner provided by that legislation.

(2) In Article II of the bill, following the appropriations to the Health and Human Services Commission, add the following appropriately numbered rider:

\_\_\_\_\_. Contingent Transfers: Office of Inspector General and State Court on Insurance and Medicaid Fraud. Contingent on the enactment of **HB 3101** or similar legislation of the 82nd Legislature, Regular Session, relating to the creation of an office of inspector general within the Office of the Governor that will be responsible for the investigation of fraudulent insurance acts in this state, including Medicaid fraud and fraud under the workers' compensation system, it is the intent of the legislature that if, not later than September 1, 2012, the comptroller of public accounts, with the cooperation of that office of inspector general, the Health and Human Services Commission, the Texas Department of Insurance, and the Office of the Attorney General, makes a finding of fact that, as a result of investigations initiated or conducted by that office of inspector general, at least \$6,000,000 of nondedicated general revenue money appropriated to the commission for the state fiscal biennium ending August 31, 2013, is recovered, not expended on ineligible claims for benefits, or otherwise saved by this state, the comptroller shall transfer the amount equal to the total amount recovered, not expended, or otherwise saved, but not to exceed \$31,500,000, as follows:

(1) \$6,000,000 to the Office of Court Administration of the Texas Judicial System to be used during the state fiscal biennium ending August 31, 2013, to establish and operate the state court on insurance and Medicaid fraud contingent on the enactment of **HB 2873** or similar legislation of the 82nd Legislature, Regular Session, providing for the establishment of that court; and

(2) any remaining amount for the continued operations of the office of inspector general.

Amendment No. 23 was withdrawn.

#### **Amendment No. 24**

Representative Turner offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 51

Amend **CSHB 1** as follows:

(1) In Article I, in the appropriations for Trusteed Programs Within the Office of the Governor (page I-50, house committee printing):

(A) decrease the appropriation under Strategy A.1.5. (Disability Issues) by \$1.1 million for each fiscal year of the biennium;

(2) In Article II, in the appropriations for the Department of Aging and Disability Services (page II-2, house committee printing) increase the General Revenue appropriation under Strategy A.7.1. (Intermediate Care Facilities-MR) by \$550,000.00 in FY2012 and \$550,000.00 in FY2013.

Amendment No. 24 was withdrawn.

#### **HB 3833 - PERMISSION TO INTRODUCE**

Representative Phillips requested permission to introduce and have placed on first reading **HB 3833**.

Permission to introduce was granted by (Record 218): 141 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Allen; Hilderbran.

Absent — Branch; Crownover; Eiland; Mallory Caraway; Paxton; Taylor, L.

#### STATEMENTS OF VOTE

When Record No. 218 was taken, I was in the house but away from my desk. I would have voted yes.

Branch

When Record No. 218 was taken, I was in the house but away from my desk. I would have voted yes.

Crownover

When Record No. 218 was taken, I was in the house but away from my desk. I would have voted yes.

Paxton

When Record No. 218 was taken, I was in the house but away from my desk. I would have voted yes.

L. Taylor

#### CSHB 1 - (consideration continued)

#### Amendment No. 25

Representative Marquez offered the following amendment to CSHB 1:

Floor Packet Page No. 59

Amend **CSHB 1** (house committee printing) by inserting the following appropriately-numbered SECTION and renumbering any subsequent SECTIONS and updating any cross-references accordingly:

SECTION \_\_\_\_\_. Devote funding of the amount \$554,564 in FY2012, and \$554,564 in FY2013, in Article I, page 50, Strategy A.1.9., Economic Development and Tourism, for the purpose of the Wyler Aerial Tramway at Franklin Mountains State Park.

Representative Otto moved to table Amendment No. 25.

The motion to table prevailed by (Record 219): 98 Yeas, 46 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Deshotel; Driver; Eissler; Elkins; Fletcher; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, Y.; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Johnson; King, T.; Lozano; Lucio; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Allen; Hilderbran.

Absent — Flynn; Madden; Mallory Caraway.

#### STATEMENT OF VOTE

When Record No. 219 was taken, I was temporarily out of the house chamber. I would have voted yes.

Flynn

#### Amendment No. 26

Representative Farrar offered the following amendment to **CSHB 1**:

Floor Packet Page No. 63

Amend **CSHB 1** in Article I of the bill on page I-50 by striking Strategy A.1.13 and renumbering subsequent strategies and adjusting cross-references accordingly and increase the appropriation to Article III, Texas Education Agency, Strategy A.1.1 - the Foundation School Program, in an equally-divided amount for each fiscal year equal to the amount of the stricken appropriation.

Amendment No. 26 was withdrawn.

**Amendment No. 27**

Representative Farias offered the following amendment to **CSHB 1**:

Floor Packet Page No. 65

Amend **CSHB 1** as follows:

A. On page I-50, A.1.13. STATE-FEDERAL RELATIONS, strike "682,382" in 2012 and substitute "82,382", and strike "682,382" in 2013 and substitute "82,382".

B. On page III-34, B.1.14 Combat Tuition Reimbursement Program, strike "0" in 2012 and substitute "600,000", and strike "0" in 2013 and substitute "600,000".

(Keffer in the chair)

Amendment No. 27 was adopted by (Record 220): 133 Yeas, 8 Nays, 2 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Oliveira; Orr; Otto; Patrick; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Turner; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zedler.

Nays — Cain; Craddick; Laubenberg; Parker; Paxton; Truitt; White; Zerwas.

Present, not voting — Mr. Speaker; Keffer(C).

Absent, Excused — Allen; Hilderbran.

Absent — Elkins; Mallory Caraway; Nash; Peña; Workman.

### STATEMENT OF VOTE

I was shown voting no on Record No. 220. I intended to vote yes.

Zerwas

#### **Amendment No. 28**

Representative P. King offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 69

Amend **CSHB 1** as follows:

(1) On page I-55 of the bill pattern for the Historical Commission, under Method of Financing, reduce General Revenue Fund appropriations by \$4,675,625 in fiscal year 2012 and \$4,145,594 in fiscal year 2013. Items of appropriation in strategies A.1.1. through A.2.1. and B.1.1. shall be reduced to correspond with general revenue reduction.

Amendment No. 28 was withdrawn.

#### **Amendment No. 29**

Representative Guillen offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 70

Amend **CSHB 1** (house committee printing) in Article I of the bill, appropriations to the Texas Historical Commission, Rider 19 to read as follows:

19. Contingency Appropriations: Texas Preservation Trust Fund Account No. 664. Contingent upon passage of legislation relating to the modification of Government Code 442.015 to transfer agency funds from outside the State Treasury to the General Revenue-Dedicated Texas Preservation Trust Fund Account No. 664 (an amount estimated to be \$9,719,343 and in excess of the Comptroller's Biennial Revenue Estimate for the 2012-13 biennium) and to modify the purpose of the General Revenue-Dedicated Texas Preservation Trust Fund Account No. 664 to fund agency operations, and in addition to the amounts appropriated above or elsewhere in this Article, there is hereby appropriated to the Texas Historical Commission from the General Revenue-Dedicated Texas Preservation Trust Fund Account No. 664 the amounts below:

	FY 2012	FY 2013
Strategy A.1.1 Architectural Assistance	\$ 80,000	\$ 80,000
Strategy A.1.3 Archeological Heritage Protection	\$160,000	\$160,000
Strategy A.1.4 Evaluate/Interpret Resources	\$810,000	\$810,000
Strategy A.1.5 Courthouse Preservation	\$250,000	\$250,000
Strategy A.2.1 Development Assistance	\$365,000	\$365,000
Strategy B.1.1 Central Administration	\$490,000	\$490,000

In addition, contingent upon passage of legislation described herein, the Texas Historical Commission's Number of Full-Time Equivalent (FTEs) is hereby increased by 26.5 in each fiscal year.

Amendment No. 29 was adopted.

**Amendment No. 30**

Representative P. King offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 83

Amend **CSHB 1** as follows:

(1) In Article II of the bill, the nondedicated general revenue fund appropriations to the Department of Aging and Disability Services, the Department of Assistive and Rehabilitative Services, the Department of Family and Protective Services, the Department of State Health Services, and the Health and Human Services Commission are reduced by a total of \$1 billion for the state fiscal biennium ending August 31, 2013, as follows:

(A) the total reduction is allocated to each of the agencies in the proportion that the agency's total nondedicated general revenue fund appropriation bears to the total nondedicated general revenue fund appropriations in Article II, and the items of appropriation in the article to each of the agencies are reduced by the amount of the reduction allocated to the agency under this paragraph; and

(B) the reduction to the items of appropriation to an agency under Paragraph (A) of this item are allocated to the strategies in the items of appropriation in the proportion that the amount the nondedicated general revenue fund appropriation for each strategy bears to the total amount of nondedicated general revenue funds appropriated to the agency.

(2) In Article II of the bill, adjust the totals and methods of financing to the Department of Aging and Disability Services, the Department of Assistive and Rehabilitative Services, the Department of Family and Protective Services, the Department of State Health Services, and the Health and Human Services Commission accordingly.

(3) In Article III of the bill, in the items of appropriation to the Texas Education Agency, the amounts of nondedicated general revenue fund appropriations for Strategy A.1.1., FSP - Equalized Operations (page III-2), are increased by \$500 million for the state fiscal year ending August 31, 2012, and \$500 million for the state fiscal year ending August 31, 2013.

(4) In Article III of the bill, adjust the totals and methods of financing for the Texas Education Agency accordingly.

Amendment No. 30 was withdrawn.

**Amendment No. 31**

Representative Zedler offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 85

Amend **CSHB 1** as follows:

(1) On page II-2 of the bill pattern for the Department of Aging and Disability Services, reduce General Revenue appropriations by \$498,990 in each fiscal year for Strategy A.4.4, IN-HOME AND FAMILY SUPPORT.

(2) On page II-2 of the bill pattern for the Department of Aging and Disability Services, Strategy A.4.5, MENTAL RETARDATION IN-HOME SERVICES, by reducing the appropriations by \$572,174 in each fiscal year.

(3) On page II-2 of the bill pattern for the Department of Aging and Disability Services, increase General Revenue appropriations to Strategy A.6.1, NURSING FACILITY PAYMENTS, by \$1,071,164 in each fiscal year.

### **Amendment No. 32**

Representative Zedler offered the following amendment to Amendment No. 31:

Amend Amendment No. 31 to **CSHB 1** by Zedler (page 90, prefiled amendments packet) after the colon on the first line by striking the text and substituting the following:

(1) In Article II of the bill, in the appropriations to the Health and Human Services Commission, increase the appropriation for Strategy B.1.4, Children and Medically Needy (page II-73), by \$20,258,048 for each of the fiscal years ending August 31, 2012, and ending August 31, 2013.

(2) In Article II of the bill, in the appropriations to the Health and Human Services Commission, reduce the appropriation for Strategy B.4.2, Managed Care Expansion (page II-73), by \$20,258,048 for each of the fiscal years ending August 31, 2012, and ending August 31, 2013.

(3) In Article II of the bill, following the appropriations to the Health and Human Services Commission, amend Rider 52 (page II-91) as follows:

(A) In the heading, between "Expansion" and ".", insert "; Children and Medically Needy".

(B) In the first paragraph, strike "\$60,556,875 in General Revenue (\$149,537,984 All Funds) in fiscal year 2012 and \$110,693,789 in General Revenue (\$272,508,811 All Funds) in fiscal year 2013" and substitute "\$40,298,827 in General Revenue (\$129,279,936 All Funds) in fiscal year 2012 and \$90,435,741 in General Revenue (\$252,250,763 All Funds) in fiscal year 2013".

(C) In the first paragraph, strike "177,136,693 in General Revenue in fiscal year 2012 and \$347,330,707 in General Revenue in fiscal year 2013" and substitute "156,878,645 in General Revenue in fiscal year 2012 and \$327,072,659 in General Revenue in fiscal year 2013".

Amendment No. 32 was adopted.

### **Amendment No. 33**

Representative Gonzalez offered the following amendment to Amendment No. 31:

Amend the Zedler Amendment No. 85 as follows:

(1) Striking Sections (1) and (2) of the amendment, and inserting the following:

(a) Contingent upon the passage and enactment of **HB 2001** or similar legislation by the Eighty-second Legislature that repeals the tax exemption on high cost gas production; or the passage and enactment of **HB 1317** or similar



legislation by the Eighty-second Legislature that provides that certain online retailers are engaged in business in the state for the purpose of determining the business' sales and use tax obligations; or upon implementation through legislation or any other manner of non-tax revenue generating measures recommended by the Eighty-second Legislature's Senate Finance Subcommittee on Fiscal Matters.

Amendment No. 33 was withdrawn.

Amendment No. 31, as amended, was withdrawn.

#### **Amendment No. 34**

Representative Naishtat offered the following amendment to **CSHB 1**:

Floor Packet Page No. 88

Amend **CSHB 1** as follows:

(1) On page II-2, add the following appropriately numbered rider:

\_\_\_\_\_. Contingency Rider for Nursing Facility Payments. Contingent upon passage and enactment of **HB 2001** or similar legislation by the Eighty-second Legislature that repeals tax exemptions for high cost gas production, the Department of Aging and Disability Services, Strategy A.6.1, Nursing Facility Payments is hereby appropriated \$792,850,832.

Amendment No. 34 was withdrawn.

#### **Amendment No. 35**

Representative Crownover offered the following amendment to **CSHB 1**:

Floor Packet Page No. 91

Amend Article II, Rider 43 (page II-19), by adding inserting the following after subsection b.(3)

Prior to transfer of an SSLC resident from the \_\_\_\_\_ SSLC, DADS will require that the new care provider identify the health practitioners who will be used to treat the resident, as well as the health practitioners' training, experience, and willingness to serve the resident. The provider must certify to DADS that it can provide the treatment and care as specified in the resident's individualized treatment plan.

And by inserting the following paragraph at the end of the Rider:

Following the closure of the SSLC, the Department will monitor the health and wellbeing of the residents moved from the SSLC to community care. DADS is directed to track the provision of health care for former residents as required by their individual treatment plans, and to provide a report to the Legislative Budget Board and the Governor by August 31, 2013 that documents available health outcomes and mortality rates of residents moved into the community. DADS must maintain privacy of these residents. It is the intent of the Legislature that additional SSLCs may not be closed until the completion of the health outcome/mortality rate study.

**Amendment No. 36**

Representative Kolkhorst offered the following amendment to Amendment No. 35:

Amend Amendment No. 35 by Crossover to **CSHB 1** (page 91 of the prefiled amendment packet) in Item 2 of the amendment by striking "that documents available health outcomes and mortality rates of residents moved into the community." and substituting "that documents available health outcomes and mortality rates of residents moved into the community, as well as any cost savings realized per resident moved into the community."

Amendment No. 36 was adopted.

Amendment No. 35, as amended, was adopted.

**Amendment No. 37**

Representative Hopson offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 93

Amend **CSHB 1** in Article II of the bill, following the appropriations to the Department of Aging and Disability Services, by adding the following to number 43. Closure of State Supported Living Center.

In soliciting bids from private psychiatric hospital providers, DSHS shall assure that successful bidders will show evidence that they have experience operating inpatient psychiatric care facilities serving populations with acuity levels similar to the current state hospital population, at a cost at or below the prescribed savings described in this rider, in hospitals that are fully accredited by JCAHO (Joint Commission on Accreditation of Healthcare Organizations) and certified by Medicare.

If DSHS awards a private psychiatric hospital with a contract to operate one or more state hospitals, the term of that contract shall be for at least 4 years, and savings from the operation of the private psychiatric hospital shall be equal to at least \$10 million per year in each year of the contract.

Before awarding a contract to a private psychiatric hospital provider, DSHS shall assure that the action will not result in the reduction of Disproportionate Share (DSH) payments currently received by the state.

**Amendment No. 38**

Representative Hopson offered the following amendment to Amendment No. 37:

In line 2 delete "Aging and Disability" and add "State Health". In line 3, remove "43" and replace with "65".

Amendment No. 38 was adopted.

Representative Zerwas moved to table Amendment No. 37, as amended.

The motion to table was lost by (Record 221): 21 Yeas, 121 Nays, 2 Present, not voting.

Yeas — Button; Chisum; Craddick; Davis, S.; Dutton; Hamilton; King, P.; Morrison; Parker; Phillips; Pitts; Riddle; Ritter; Schwertner; Sheffield; Shelton; Smithee; Truitt; Vo; Workman; Zerwas.

Nays — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Cain; Callegari; Carter; Castro; Christian; Coleman; Cook; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Patrick; Paxton; Peña; Perry; Pickett; Price; Quintanilla; Raymond; Reynolds; Rodriguez; Scott; Sheets; Simpson; Smith, T.; Smith, W.; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Turner; Veasey; Walle; Weber; White; Woolley; Zedler.

Present, not voting — Mr. Speaker; Keffer(C).

Absent, Excused — Allen; Hilderbran.

Absent — Madden; Mallory Caraway; Solomons; Villarreal.

#### STATEMENTS OF VOTE

I was shown voting yes on Record No. 221. I intended to vote no.

Button

When Record No. 221 was taken, I was in the house but away from my desk. I would have voted no.

Solomons

I was shown voting yes on Record No. 221. I intended to vote no.

Truitt

Amendment No. 37, as amended, was adopted.

#### Amendment No. 39

Representative Naishtat offered the following amendment to **CSHB 1**:

Floor Packet Page No. 94

Amend **CSHB 1**, page II-2, as follows by adding the following appropriately numbered rider:

\_\_\_\_\_. Contingency Rider for **HB 1317**. Contingent upon passage and enactment of **HB 1317** or similar legislation by the Eighty-second Legislature that provides that certain online retailers are engaged in business in the state for

the purpose of determining the business' sales and use tax obligations, the revenue generated by said legislation shall be appropriated to the Department of Aging and Disability Services, Strategy A.2.3, Community Attendant Services

Amendment No. 39 was withdrawn.

**Amendment No. 40**

Representative Naishtat offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 95

Amend **CSHB 1**, page II-2, as follows by adding the following appropriately numbered rider:

\_\_\_\_\_. Contingency Rider for **HB 1317**. Contingent upon passage and enactment of **HB 1317** or similar legislation by the Eighty-second Legislature that provides that certain online retailers are engaged in business in the state for the purpose of determining the business' sales and use tax obligations, the revenue generated by said legislation shall be appropriated to the Department of Aging and Disability Services, Strategy A.2.1., Primary Home Care.

Amendment No. 40 was withdrawn.

**Amendment No. 41**

Representative Naishtat offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 99

Amend **CSHB 1** in Article II, appropriation for the Department of Aging and Disability Services, by inserting the following appropriately-numbered rider and renumbering any subsequent riders accordingly:

"It is the intent of the legislature that the Department of Aging and Disability Services develop a contingency plan for consumers that are displaced as a result of a significant number of providers exiting the Home and Community-based Services Program, the Intermediate Care Facilities-MR, and the Nursing Facilities. This contingency plan shall define a significant number of providers and include short term and long term planning criteria that ensures the health and safety of the individual and promotes their independence. The plan is due upon the implementation of rate reductions for each impacted program."

Amendment No. 41 was adopted.

**Amendment No. 42**

Representative Walle offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 101

Amend **CSHB 1** in Article II of the bill, following the appropriations to the Department of Family and Protective Services, by striking Rider 17 (page II-41), substituting the following appropriately numbered riders, and renumbering subsequent riders accordingly:

\_\_\_\_\_. Caseloads Per Worker and Call Processing Reporting Requirements. Not later than October 1 of each year of the biennium, the Department of Family and Protective Services shall report to the Legislative Budget Board, the

Governor, and the standing committees of the Senate and the House of Representatives having primary jurisdiction over the department data for the previous fiscal year regarding daily caseloads per worker for each protective services program and the average hold time and call abandonment rate for statewide intake telephone calls relating to reports of abuse, neglect, or exploitation. The report shall be prepared in a format specified by the Legislative Budget Board.

\_\_\_\_\_. Call Processing and Worker Caseload Standards. It is the intent of the Legislature that the Department of Family and Protective Services use money appropriated to the department by this Act in Goal A, Statewide Intake Services (page II-33), Goal B, Child Protective Services (page II-33), and Goal D, Adult Protective Services (page II-34), to work toward achieving the following enhanced performance target levels:

(1) an average hold time for statewide intake telephone calls relating to reports of abuse, neglect, or exploitation that does not exceed eight minutes, notwithstanding the performance target levels identified in Goal A, Statewide Intake Services, in Rider 1 (page II-35);

(2) a call abandonment rate for statewide intake telephone calls relating to reports of abuse, neglect, or exploitation that does not exceed 25 percent;

(3) a daily caseload for a child protective services caseworker performing investigations that does not exceed an average of 21 cases, notwithstanding the performance target levels identified in Strategy B.1.1, CPS Direct Delivery Staff, in Rider 1 (page II-35);

(4) a daily caseload for a child protective services caseworker providing family-based safety services that does not exceed an average of 18 cases, notwithstanding the performance target levels identified in Strategy B.1.1, CPS Direct Delivery Staff, in Rider 1 (page II-35);

(5) a daily caseload for an adult protective services caseworker providing services through in-home programs that does not exceed an average of 27 cases, notwithstanding the performance target levels identified in Strategy D.1.1, APS Direct Delivery Staff, in Rider 1 (page II-36); and

(6) an adult protective services caseworker turnover rate that is lower than the performance target levels identified in Goal D, Adult Protective Services, in Rider 1 (page II-36).

Amendment No. 42 was adopted.

### **Amendment No. 43**

Representative Alonzo offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 103

Amend **CSHB 1** (house committee printing) in Article II of the bill, by inserting the following rider, appropriately numbered, following the appropriations to the Department of Family and Protective Services:

\_\_\_\_\_. Department of Family and Protective Services: Adoption Assistance Agreements. Out of amounts appropriated above in Strategy B.1.12, Adoption/PCA Payments, the Department of Family and Protective Services shall

subsidize under an adoption assistance agreement the adoption of a child in foster care by an adoptive parent whose family income is less than 300 percent of the federal poverty level if, based on factors specified in rules of the department, the department determines the child would otherwise have been expected to remain in foster care until the child's 18th birthday and this state would have made foster care payments for that care. The amount of the subsidy to be paid is equal to the amount that would have been paid to the child's foster parent based on the child's foster care service level on the date the department and the adoptive parent enter into the adoption assistance agreement.

Amendment No. 43 was withdrawn.

#### **Amendment No. 44**

Representative Weber offered the following amendment to **CSHB 1**:

Floor Packet Page No. 107

Amend **CSHB 1**, on page II-46 of the Department of State Health Services bill pattern, by reducing Strategy B.1.3 by \$4,150,000 in each fiscal year of the 2012-2013 biennium.

Amend **CSHB 1**, on page II-74 of the Health and Human Services Commission bill pattern, by increasing Strategy D.2.2 by \$4,150,000 in each fiscal year of the 2012-2013 biennium.

#### **Amendment No. 45**

Representative Perry offered the following amendment to Amendment No. 44:

Amend Amendment No. 44 by Weber to **CSHB 1** (page 107 of the prefiled amendment packet) as follows:

(1) In the second paragraph of the amendment, strike "\$4,150,00" and substitute "\$3,650,000".

(2) Add the following appropriately numbered item:

( ) In Article II of the bill, in the appropriations for the Department of Assistive and Rehabilitative Services, increase the appropriations for A.1.1. Strategy: ECI SERVICES (page II-21) by \$500,000 for the fiscal year ending August 31, 2012, and by \$500,000 for the fiscal year ending August 31, 2013.

Amendment No. 45 was adopted.

Amendment No. 44, as amended, was adopted by (Record 222): 100 Yeas, 44 Nays, 2 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lyne; Madden; Margo; Martinez;

Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Workman; Zedler; Zerwas.

Nays — Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; Lucio; Mallory Caraway; Marquez; Martinez Fischer; McClendon; Menendez; Miles; Naishtat; Oliveira; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle; Woolley.

Present, not voting — Mr. Speaker; Keffer(C).

Absent, Excused — Allen; Hilderbran.

Absent — Guillen; Pickett.

#### **Amendment No. 46**

Representative Christian offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 108

Amend **CSHB 1** with the following:

1. In **CSHB 1**, on page II-46 of the Department of State Health Services bill pattern, reduce Strategy B.1.3, by \$3,300,00 in each fiscal year of the 2012-13 biennium.

2. In **CSHB 1**, on page II-21 of the Department of Assistive and Rehabilitative Services bill pattern, increase Strategy A.3.1 by \$3,300,000 in each fiscal year of the 2012-13 biennium.

3. Adjust performance measures as necessary to reflect funding changes.

#### **Amendment No. 47**

Representative S. Miller offered the following amendment to Amendment No. 46:

Amend Amendment No. \_\_\_\_ by Miller to **CSHB 1** (page 112 of the prefiled amendment packet) by striking Item 2 of the amendment and substituting the following:

(2) In Article II of the bill, in the items of appropriation to the Department of Assistive and Rehabilitative Services, increase the money appropriated for Strategy A.1.1, ECI Services, Early Childhood Intervention Services (on page II-21), by \$10,628,445 in each fiscal year of the 2012-2013 biennium.

Amendment No. 47 was withdrawn.

#### **Amendment No. 48**

Representative Christian offered the following amendment to Amendment No. 46:

1. In **CSHB 1**, on page II-46 of the Department of State Health Services bill pattern, reduce Strategy B.1.3, by \$3,300,000 in each fiscal year of the 2012-13 biennium.

2. In **CSHB 1**, on page II-21 of the Department of Assistive and Rehabilitative Services bill patterns, increase Strategy A.3.1 by \$3,300,000 in each fiscal year of the 2012-13 biennium.

3. Adjust performance measures as necessary to reflect funding changes.

Amendment No. 48 was adopted.

### **COMMITTEE GRANTED PERMISSION TO MEET**

Representative Solomons requested permission for the Committee on Redistricting to meet while the house is in session, at 3 p.m. today, in 3N.3, to consider pending business.

Permission to meet was granted.

### **COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Redistricting, 3 p.m. today, 3N.3, for a formal meeting, to consider pending business.

### **CSHB 1 - (consideration continued)**

#### **AMENDMENT NO. 46 - REMARKS**

REPRESENTATIVE OLIVEIRA: I have patiently listened all day and not got involved in the debate, yesterday nor today, but I am compelled to address this august body and to highlight for a moment what our debate is now. We are debating about autistic children and their needs and those families that do the very best they can to raise that child, and on the other side of that, we're debating about the poorest of the poor when we've got \$6 billion in the bank—\$6 billion in the bank. I don't understand how long we're going to continue this charade, and that's why I'm only speaking on this amendment, but it is a charade.

Our Texans out there, our fellow Texans, the poor, the middle class, the sick, the elderly, the disabled, our schoolchildren, they all need us to stand up today. I was going to wait to speak at the end of the bill, which may be at four or five tomorrow morning, but I can't anymore. I've been here 27 years and dealt with severe budget crises. I've been here a long time and watched a lot of things happen, and today I think is a defining moment for a lot of us in this room. Today, we're going to have to decide at some point if we're going to continue this charade. At the end of the day, I know I have to vote against this bill. Some of you are going to think—some of you are going to really think this is just part of the process, I can vote no today and get away with it. Friends, perhaps some of you in your district can. I know I cannot. I can't face my fellow citizens. I can't face these autistic children and the poorest of the poor and the women that need our help. I can't do that.

So I ask you today, speaking on this amendment, as we go forward and as we play our political games here in both parties, that we start getting realistic about this and start honoring what our fellow Texans want and need. And what



they want and need, respectfully, is for us to be as responsible as we can, not just with the taxpayers' dollars, but with the basic human needs. You can talk about family values all day long. You can talk about unfunded mandates all day long. This is the biggest unfunded mandate bill we're going to see this session. You can talk about all those things, but you've still got to recognize what we're doing here today. And I implore you all, as we go through these amendments and as you're thinking about it, think about facing your folks back home. I know some of you would like to cut even more. It's your prerogative, your philosophy, your belief. I will respect that. But I can't stand idle anymore and just sit and watch when we're now talking about the poorest of the poor and the most needy and autistic children. Our Texans need us. Our Texans need us.

### REMARKS ORDERED PRINTED

Representative Strama moved to print remarks by Representative Oliveira.

The motion prevailed.

Amendment No. 46, as amended, was adopted by (Record 223): 106 Yeas, 34 Nays, 6 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Deshotel; Driver; Eiland; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gonzalez; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lyne; Madden; Margo; Martinez; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Raymond; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, Y.; Dukes; Dutton; Farias; Farrar; Giddings; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; King, T.; Lucio; Mallory Caraway; Marquez; Martinez Fischer; McClendon; Miles; Naishtat; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker; Gonzales, V.; Keffer(C); Menendez; Oliveira; Quintanilla.

Absent, Excused — Allen; Hilderbran.

Absent — Gallego; Guillen.

### STATEMENTS OF VOTE

I was shown voting no on Record No. 223. I intended to vote present, not voting.

Anchia

I was shown voting no on Record No. 223. I intended to vote present, not voting.

Lucio

I was shown voting no on Record No. 223. I intended to vote yes.

Marquez

#### **Amendment No. 49**

Representative Bohac offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 109

Amend **CSHB 1**, on page II-46, in the Article II appropriations to the Department of State Health Services, as follows:

(1) Decrease the appropriation to Strategy B.1.3, Family Planning Services, by \$7,229,426 for the fiscal year ending August 31, 2012, and by \$7,229,426 for the fiscal year ending August 31, 2013.

(2) Increase the appropriation to Strategy B.2.2, Mental Health Services-Children, by \$7,229,426 for the fiscal year ending August 31, 2012, and by \$7,229,426 for the fiscal year ending August 31, 2013.

(3) Adjust totals and methods of financing appropriately.

#### **AMENDMENT NO. 49 - REMARKS**

REPRESENTATIVE TURNER: Not only has mental health been underfunded, there are 1.5 million children in the State of Texas with no medical care whatsoever. I'm not trying to say that what you are doing in terms of the people that you're trying to benefit is not a good thing. I support that. But I also support what we are doing in that strategy for other children. And sometimes the children in the strategy you are pulling from happen to also be in the strategy that you are giving to. And the question that I sit at my desk—I don't pose it to you; I'll pose it to myself, but maybe you can answer. When I'm sitting at my desk, and I'm trying to determine: what would Solomon say? What would Solomon say to the mother, or to the two mothers when there was a battle, an issue on the children—when there were two children, and a mother is claiming a child and—a mother is claiming an interest in both of them, in that one child? In your amendment—what your amendment is doing is pulling from one need to another need.

Let me tell you what I should do, what I will do, on this amendment and on all similar amendments, and you tell me whether or not it's a prudent thing. I will not be put in the position of choosing from one need to another when we are underfunding them both. I will white light this amendment and I will white light every other single amendment that comes to this floor, because if we are not willing to pull from the rainy day to meet the needs of these children and these elderly folks, I will not be caught trying to decide whether or not I shall fund child one or child two. Tell me why I should not just white light it and leave it to the rest of you to decide which kid is deserving of the funding from the State of Texas. I will white light it, and I will encourage others to do the same. It is not

good policy. It is not good policy in this state for us to choose which child should get which dollar when they all have needs and they are all children of the State of Texas.

### REMARKS ORDERED PRINTED

Representative Burnam moved to print remarks by Representative Turner.

The motion prevailed.

Amendment No. 49 was adopted by (Record 224): 96 Yeas, 6 Nays, 44 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Laubenberg; Lavender; Legler; Lewis; Lozano; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Alonzo; Alvarado; Lyne; Raymond; Strama; Thompson.

Present, not voting — Mr. Speaker; Anchia; Burnam; Castro; Coleman; Davis, J.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Hopson; Howard, D.; Johnson; Keffer(C); King, T.; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Quintanilla; Reynolds; Rodriguez; Turner; Villarreal; Vo; Walle.

Absent, Excused — Allen; Hilderbran.

Absent — Larson; Veasey.

### STATEMENTS OF VOTE

I was shown voting no on Record No. 224. I intended to vote present, not voting.

Alvarado

When Record No. 224 was taken, my vote failed to register. I would have voted present, not voting.

Veasey

### Amendment No. 50

Representative Murphy offered the following amendment to **CSHB 1**:

Floor Packet Page No. 110

In **CSHB 1**, on page II-46 of the Department of State Health Services bill pattern, reduce Strategy B.1.3 by \$71,773 in each fiscal year of the 2012-13 biennium.

In **CSHB 1**, on page II-46 of the Department of State Health Services bill pattern, increase Strategy B.3.1 by \$71,773 in each fiscal year of the 2012-13 biennium.

### **LEAVES OF ABSENCE GRANTED**

The following members were granted leaves of absence temporarily for today to attend a meeting of the Committee on Redistricting:

Alonzo on motion of Walle.

Alvarado on motion of Walle.

Aycock on motion of Riddle.

Branch on motion of Raymond.

Geren on motion of Patrick.

Harless on motion of Farias.

Hunter on motion of Raymond.

Keffer on motion of Pitts.

Madden on motion of Riddle.

Pickett on motion of Farias.

Solomons on motion of Riddle.

Veasey on motion of Farias.

(Ritter in the chair)

### **CSHB 1 - (consideration continued)**

Amendment No. 50 was adopted by (Record 225): 91 Yeas, 20 Nays, 25 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Beck; Berman; Bohac; Bonnen; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harper-Brown; Hartnett; Hopson; Howard, C.; Huberty; Hughes; Isaac; Jackson; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Quintanilla; Riddle; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Davis, Y.; Deshotel; Dukes; Dutton; Farias; Gonzales, V.; Gonzalez; Howard, D.; Johnson; Lyne; Marquez; Martinez; McClendon; Menendez; Miles; Naishtat; Raymond; Strama; Thompson; Villarreal.

Present, not voting — Mr. Speaker; Anchia; Burnam; Castro; Coleman; Eiland; Farrar; Gallego; Giddings; Guillen; Gutierrez; Hernandez Luna; Hochberg; King, T.; Lucio; Mallory Caraway; Martinez Fischer; Muñoz; Oliveira; Reynolds; Ritter(C); Rodriguez; Turner; Vo; Walle.

Absent, Excused — Allen; Hilderbran.

Absent, Excused, Committee Meeting — Alonzo; Alvarado; Aycock; Branch; Geren; Harless; Hunter; Keffer; Madden; Pickett; Solomons; Veasey.

### **Amendment No. 51**

Representative Anchia offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 49

Amend **CSHB 1** as follows:

(1) On page I-50, in the appropriations to the Trusteed Programs Within the Office of the Governor decrease Strategy A.1.4: Film and Music Marketing, decrease by \$1,500,000 in fiscal year 2012 and by \$1,500,000 in fiscal year 2013.

(2) On page I-68, in the appropriations to the Library and Archives Commission, increase Strategy A.1.2: Aid to Local Libraries, by \$1,500,000 in fiscal year 2012 and by \$1,500,000 in fiscal year 2013.

(3) In Article I, amend the bill pattern for the Library & Archives Commission by inserting the following appropriately numbered rider to read as follows and renumbering any subsequent riders accordingly:

      . Loan Star Libraries Grants. Out of amounts appropriated above in Strategy A.1.2, Aid to Local Libraries, the agency shall expend \$1,500,000 in fiscal year 2012 and \$1,500,000 in fiscal year 2013 from the General Revenue Fund for Loan Star Libraries grants.

### **Amendment No. 52**

Representative Anchia offered the following amendment to Amendment No. 51:

Amend the Anchia amendment to **CSHB 1** as follows by striking the text of the amendment and substituting the following language:

(1) On page VII-36, in the appropriations to the Workforce Commission decrease Strategy A.2.1: Skills Development, by \$1,500,000 in fiscal year 2012 and \$1,500,000 in fiscal year 2013.

(2) On page I-68, in the appropriations to the Library and Archives Commission, increase Strategy A.1.2: Aid to Local Libraries, by \$1,500,000 in fiscal year 2012 and by \$1,500,000 in fiscal year 2013.

(3) In Article I, amend the bill pattern for the Library & Archives Commission by inserting the following appropriately numbered rider to read as follows and renumbering any subsequent riders accordingly:

\_\_\_\_\_ . Loan Star Libraries Grants. Out of amounts appropriated above in Strategy A.1.2, Aid to Local Libraries, the agency shall expend \$1,500,000 in fiscal year 2012 and \$1,500,000 in fiscal year 2013 from the General Revenue Fund for Loan Star Libraries grants.

Amendment No. 52 was adopted.

(Alonzo, Aycock, Branch, Geren, Harless, Hunter, Keffer, Madden, and Pickett now present)

Amendment No. 51, as amended, failed of adoption by (Record 226): 55 Yeas, 79 Nays, 9 Present, not voting.

Yeas — Alonzo; Anchia; Anderson, C.; Bohac; Bonnen; Burkett; Burnam; Castro; Christian; Davis, Y.; Driver; Dukes; Dutton; Farias; Farrar; Flynn; Geren; Gooden; Gutierrez; Hamilton; Harless; Harper-Brown; Hernandez Luna; Hopson; Huberty; King, S.; King, T.; Kolkhorst; Lozano; Lucio; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Muñoz; Naishtat; Oliveira; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Rodriguez; Scott; Sheets; Sheffield; Smith, T.; Strama; Thompson; Truitt; Villarreal; Vo; Walle.

Nays — Aliseda; Anderson, R.; Aycock; Beck; Berman; Branch; Brown; Button; Cain; Callegari; Chisum; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Eissler; Elkins; Fletcher; Frullo; Garza; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Hancock; Hardcastle; Hartnett; Hochberg; Howard, C.; Howard, D.; Hughes; Isaac; Jackson; Keffer; King, P.; Kleinschmidt; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Miles; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Perry; Phillips; Price; Riddle; Schwertner; Shelton; Simpson; Smith, W.; Smithee; Taylor, L.; Taylor, V.; Torres; Turner; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Carter; Deshotel; Eiland; Guillen; Johnson; Mallory Caraway; Peña; Ritter(C).

Absent, Excused — Allen; Hilderbran.

Absent, Excused, Committee Meeting — Alvarado; Solomons; Veasey.

Absent — Gallego; Hunter.

### STATEMENTS OF VOTE

I was shown voting yes on Record No. 226. I intended to vote no.

Flynn

When Record No. 226 was taken, I was in the house but away from my desk. I would have voted no.

Gallego

When Record No. 226 was taken, I was in the house but away from my desk. I would have voted no.

Hunter

I was shown voting no on Record No. 226. I intended to vote yes.

Miles

(Alvarado now present)

**Amendment No. 53**

Representative Laubenberg offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 111

Amend **CSHB 1** as follows:

(1) On page II-46 of the bill pattern for the Department of State Health Services, reduce Strategy B.1.3 by \$4,583,575 for fiscal year ending August 31, 2012, and \$4,583,575 for fiscal year ending August 31, 2013.

(2) On page II-46 of the bill pattern for the Department of State Health Services, increase Strategy A.3.4 by \$4,583,575 for fiscal year ending August 31, 2012, and \$4,583,575 for fiscal year ending August 31, 2013.

Amendment No. 53 was withdrawn.

**Amendment No. 54**

Representative S. Miller offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 112

Amend **CSHB 1** as follows:

(1) In **CSHB 1**, on page II-46 of the Department of State Health Services bill pattern, reduce Strategy B.1.3 by \$10,628,445 in each fiscal year of the 2012-13 biennium.

(2) In **CSHB 1**, on page II-2 of the Department of Aging and Disabilities Services bill pattern, increase Strategy A.7.1 by \$10,628,445 in each fiscal year of the 2012-13 biennium.

**Amendment No. 55**

Representative S. Miller offered the following amendment to Amendment No. 54:

Amend Amendment No. 54 by S. Miller to **CSHB 1** (page 112 of the prefiled amendment packet) by striking Item 2 of the amendment and substituting the following:

(2) In Article II of the bill, in the items of appropriation to the Department of Assistive and Rehabilitative Services, increase the money appropriated for Strategy A.1.1, ECI Services, Early Childhood Intervention Services (on page II-21), by \$10,628,445 in each fiscal year of the 2012-2013 biennium.

Amendment No. 55 was adopted.

**Amendment No. 56**

Representative Perry offered the following amendment to Amendment No. 54:

Amend Amendment No. 54 by S. Miller to **CSHB 1** (page 112 of the prefiled amendment packet) as follows:

(1) On line 7 of the amendment, strike "\$10,628,445" and substitute "\$9,128,445".

(2) Add the following appropriately numbered item:

( ) In Article II of the bill, in the appropriations for the Department of Aging and Disability Services, increase the appropriations for A.4.1. Strategy: NON-MEDICAID SERVICES (page II-2) by \$1,500,000 for the fiscal year ending August 31, 2012, and by \$1,500,000 for the fiscal year ending August 31, 2013.

Amendment No. 56 was adopted.

(Solomons and Veasey now present)

Pursuant to Rule 5, Section 28 of the House Rules, Representative Y. Davis requested an extension of speaking time on Amendment No. 54.

The request was granted by (Record 227): 135 Yeas, 5 Nays, 4 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycocock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Eiland; Eissler; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Price; Quintanilla; Raymond; Reynolds; Riddle; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, V.; Thompson; Torres; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zerwas.

Nays — Hughes; Legler; Perry; Shelton; Zedler.

Present, not voting — Mr. Speaker; Dutton; Ritter(C); Truitt.

Absent, Excused — Allen; Hilderbran.

Absent — Crownover; Elkins; Pitts; Taylor, L.

Amendment No. 54, as amended, was adopted by (Record 228): 104 Yeas, 37 Nays, 5 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycocock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown;



Hartnett; Hochberg; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Madden; Margo; Martinez; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Quintanilla; Riddle; Ritter(C); Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Giddings; Gonzalez; Gutierrez; Hernandez Luna; Howard, D.; Lucio; Lyne; Mallory Caraway; Marquez; Martinez Fischer; McClendon; Menendez; Miles; Naishtat; Pickett; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker; Gonzales, V.; Guillen; Johnson; King, T.

Absent, Excused — Allen; Hilderbran.

Absent — Farrar; Oliveira.

### STATEMENT OF VOTE

I was shown voting yes on Record No. 228. I intended to vote no.

Gallego

### Amendment No. 57

Representative Zedler offered the following amendment to **CSHB 1**:

Floor Packet Page No. 113

Amend **CSHB 1** as follows:

(1) On page II-46 of the bill pattern for the Department of State Health Services, reduce Strategy B.1.3, by \$896,781 for the fiscal year ending August 31, 2012, and by \$896,781 for the fiscal year ending August 31, 2013.

(2) On page II-2 of the bill pattern for the Department of Aging and Disability Services, increase Strategy A.3.4 by \$896,781 for the fiscal year ending August 31, 2012, and by \$896,781 for the fiscal year ending August 31, 2013.

(Geren in the chair)

Amendment No. 57 was adopted by (Record 229): 101 Yeas, 38 Nays, 6 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Madden; Margo; Miller, D.;

Miller, S.; Morrison; Muñoz; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Quintanilla; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Gallego; Giddings; Gonzalez; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Lucio; Lyne; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Naishtat; Oliveira; Pickett; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker; Eiland; Geren(C); Gonzales, V.; Guillen; Johnson.

Absent, Excused — Allen; Hilderbran.

Absent — Farias; Farrar; Walle.

#### STATEMENT OF VOTE

When Record No. 229 was taken, I was in the house but away from my desk. I would have voted no.

Farrar

#### Amendment No. 58

Representative Menendez offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 114

Amend **CSHB 1** under Article II as follows:

(1) On page II-46 of the bill pattern for the Department of State Health Services reduce General Revenue appropriations in Strategy B.2.2. Mental Health Services-Children by \$327,040.00 in fiscal year 2012 and by \$327,040.00 in fiscal year 2013.

(2) On page II-73 of the bill pattern for the Health and Human Services Commission increase General Revenue appropriations in Strategy A.1.1., Enterprise Oversight and Policy, by \$327,040.00 in each fiscal year for the purposes of funding the Texas Integrated Funding Initiative (TIFI) and the Community Resource Coordination Groups (CRCG) of Texas in order to provide mental health services to children, youth, and adults.

#### Amendment No. 59

Representative Menendez offered the following amendment to Amendment No. 58:

Amend Amendment No. 58 to **CSHB 1** by Menendez (page 114, prefiled amendment packet) as follows:

(1) Add the following appropriately numbered item to the amendment and renumber subsequent items accordingly:

( ) On page II-2 of the bill pattern for the Department of Aging and Disability Services reduce Other Operating Expenses appropriations in Strategy C.1.1, Central Administration, in fiscal year 2012 and fiscal year 2013 by \$330,000.00 for each of those fiscal years.

(2) On line 8, strike "\$327,040.00" and substitute "\$657,040.00".

Amendment No. 59 was adopted.

Amendment No. 58, as amended, was adopted.

### **Amendment No. 60**

Representative Zedler offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 119

Amend **CSHB 1** as follows:

(1) On page II-52 of the bill pattern for the Department of State Health Services, amend Rider 5, Other Reporting Requirements, Subsection c., Monthly Financial Reports, to read as follows:

"The Department of State Health Services shall submit the following information to the Legislative Budget Board and the Governor, and make available to the public, on a monthly basis:"

Amendment No. 60 was adopted.

### **Amendment No. 61**

Representative Hughes offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 120

Amend **CSHB 1** in Article II of the bill as follows:

(1) Following Rider 17 following the appropriations to the Department of State Health Services (page II-57), add Rider 17-a as follows:

17-a. Use of Funds to Support Abortion. In addition to the prohibition in Rider 17, the Department of State Health Services may not use money appropriated under this Act, regardless of the funding source, to:

(1) fund the performance of, promotion of, or referral for an elective abortion or a service related to an elective abortion; or

(2) contract with entities that perform or promote elective abortions or services related to elective abortions, that make referrals to entities that perform or promote elective abortions or services related to elective abortion, or that are affiliates of entities that perform or promote elective abortions or services related to elective abortions or that make referrals to entities that perform or promote elective abortions or services related to elective abortion.

(2) On page II-65, strike Rider 52.

(3) Following Rider 30 following the appropriations to the Health and Human Services Commission (page II-86), add Rider 30-a as follows:

30-a. Use of Funds to Support Abortion. In addition to the prohibition in Rider 30, the Health and Human Services Commission and any health and human services agency under the jurisdiction of the commission may not use money appropriated under this Act, regardless of the funding source, to:

(1) fund the performance of, promotion of, or referral for an elective abortion or a service related to an elective abortion; or

(2) contract with entities that perform or promote elective abortions, that make referrals to entities that perform or promote elective abortions or services related to elective abortion, or that are affiliates of entities that perform or promote elective abortions or that make referrals to entities that perform or promote elective abortions or services related to elective abortion.

Amendment No. 61 was withdrawn.

### **Amendment No. 62**

Representative P. King offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 122

Amend **CSHB 1** as follows:

On page II-66, DSHS Rider 54. Family Planning Services at Federally Qualified Health Centers, amend to read:

54. Family Planning Services at Federally Qualified Health Centers. Out of funds appropriated in Strategy B.1.3, Family Planning Services, up to \$10,000,000 in each year of the 2012-13 biennium shall be set aside for family planning services provided by Federally Qualified Health Centers (FQHCs). The Department shall implement this provision only to the extent that it will not have an adverse effect on the number served by the family planning program, especially in counties where no FQHC is available. ~~In addition, up to \$1,000,000 per year may be allocated to clinics for core family planning services provided under the auspices of Baylor College of Medicine.~~ Funds will be allocated statewide to counties for family planning services according to DSHS' annual assessment of women-in-need. Any funds not applied for and granted to FQHCs each fiscal year shall be made available to non-FQHC contractors. FQHCs funded under this strategy shall assure that recipients receive comprehensive primary and preventive care in addition to the family planning services. The Department of State Health Services shall work with FQHC contractors to assure that reporting requirements are aligned with FQHC eligibility, payment, and reporting requirements.

~~The Department of State Health Services shall re-allocate funds which are available to all providers to ensure that the funds appropriated in Strategy B.1.3, Family Planning Service, are fully utilized for family planning services and to prevent the underutilization of the funds appropriated. Any balances available from Title V and Title XX funds on August 31, 2012 are appropriated for fiscal year 2013 for the same purposes.~~

### **Amendment No. 63**

Representative P. King offered the following amendment to Amendment No. 62:

Amend the amendment by King of Parker on pg. 122 to read as follows:  
Amend **CSHB 1** as follows:

On page II-66, DSHS Rider 54. Family Planning Services at Federally Qualified Health Centers, amend to read:

54. Family Planning Services at Federally Qualified Health Centers. Out of funds appropriated in Strategy B.1.3, Family Planning Services, up to \$10,000,000 in each year of the 2012-13 biennium shall be set aside for family planning services provided by Federally Qualified Health Centers (FQHCs). The Department shall implement this provision only to the extent that it will not have an adverse effect on the number served by the family planning program, especially in counties where no FQHC is available. In addition, up to \$1,000,000 per year may be allocated to clinics for core family planning services provided under the auspices of Baylor College of Medicine. None of the funds allocated to Baylor College of Medicine under this rider shall be used for abortion or abortion-related services. Funds will be allocated statewide to counties for family planning services according to DSHS' annual assessment of women-in-need. Any funds not applied for and granted to FQHCs each fiscal year shall be made available to non-FQHC contractors. FQHCs funded under this strategy shall assure that recipients receive comprehensive primary and preventive care in addition to the family planning services. The Department of State Health Services shall work with FQHC contractors to assure that reporting requirements are aligned with FQHC eligibility, payment, and reporting requirements.

~~The Department of State Health Services shall re-allocate funds which are available to all providers to ensure that the funds appropriated in Strategy B.1.3, Family Planning Service, are fully utilized for family planning services and to prevent the underutilization of the funds appropriated. Any balances available from Title V and Title XX funds on August 31, 2012 are appropriated for fiscal year 2013 for the same purposes.~~

Amendment No. 63 was adopted. (The vote was reconsidered later today, and Amendment No. 63 was withdrawn.)

Amendment No. 62, as amended, was adopted. (The vote was reconsidered later today, and Amendment No. 62 was withdrawn.)

#### **Amendment No. 62 - Vote Reconsidered**

Representative P. King moved to reconsider the vote by which Amendment No. 62, as amended, was adopted.

The motion to reconsider prevailed.

#### **Amendment No. 63 - Vote Reconsidered**

Representative P. King moved to reconsider the vote by which Amendment No. 63 was adopted.

The motion to reconsider prevailed.

Amendment No. 63 was withdrawn.

Amendment No. 62 was withdrawn.

**Amendment No. 64**

Representatives Chisum, Burkett, and Morrison offered the following amendment to **CSHB 1**:

Floor Packet Page No. 125

56. Family Planning Service Providers. Out of funds appropriated in Strategy B.1.3, Family Planning Services, the Department shall award family planning grants based on the following levels of priority.

1. Public entities that provide family planning services. These providers should be considered the first priority of this funding. These providers include state, county, and local community health clinics.

2. Non-public entities that provide comprehensive primary and preventative care in addition to family planning services. These providers are eligible for funding after public entities have been awarded grants above.

3. Non-public entities that provide family planning services but do not provide comprehensive primary and preventative care. These providers are eligible after non-public entities that provide comprehensive primary and preventative care have been awarded grants above.

**Amendment No. 65**

Representative Chisum offered the following amendment to Amendment No. 64:

Amend Amendment No. 64 to **CSHB 1** (house committee printing) by Chisum (page 125 of the prefiled amendment packet) by striking "56. Family Planning Service Providers" and substituting "54. Family Planning Service Providers".

Amendment No. 65 was adopted.

Amendment No. 64, as amended, was adopted.

**Amendment No. 66**

Representative McClendon offered the following amendment to **CSHB 1**:

Floor Packet Page No. 126

Amend **CSHB 1** in the Article II appropriations to the Department of State Health Services (pages II-68 and II-69) by striking Rider 65 and substituting the following:

65. Request for Proposal to Privatize State Mental Health Hospitals and to Develop a Community Alternative to State Mental Health Hospital Care. Out of funds appropriated above in Strategy C.1.3, Mental Health State Hospitals, the Department of State Health Services (DSHS) is directed to develop a request for proposal (RFP) to privatize two state mental health hospitals and to develop a community alternative to state mental health hospital care through a local mental health authority by September 1, 2012. The community alternative must demonstrate efficacy in leveraging public and private resources.

a. DSHS shall prepare a plan to oversee the privatization of the hospitals and the development of the community alternative that takes into account feedback from relevant internal and external stakeholders to the Governor and Legislative Budget Board by November 30, 2011. The report must include:

(1) milestones for the privatization and a schedule of their implementation;

(2) milestones for the development of the community alternative with the goal of reducing the expenses related to historical civil and forensic bed day costs and a schedule of their implementation;

(3) strategies to minimize adverse effects on hospital residents and staff;

(4) strategies to determine which hospitals to privatize; and

(5) strategies to identify the area in this state in which to place the community alternative with a focus on areas in this state with high levels of forensic bed utilization and restricted access to civil beds.

b. DSHS shall submit status reports on the implementation of the RFP, privatization process, and community alternative development process on January 31, 2012, April 30, 2012, and July 31, 2013, to the Governor and Legislative Budget Board. Each report must include information relating to:

(1) progress in implementing privatization milestones and any revisions to the schedule of implementation;

(2) progress in implementing the community alternative and any revisions to the schedule of implementation;

(3) progress in implementing strategies to minimize adverse effects of privatization on hospital residents and staff;

(4) progress in implementing strategies to identify the area in this state in which to place the community alternative; and

(5) identification of barriers DSHS is encountering in the privatization process.

Amendment No. 66 was withdrawn.

### **Amendment No. 67**

Representative McClendon offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 128

Amend **CSHB 1** on page II-69, following the appropriations to the Department of State Health Services, by striking Rider 67 and substituting the following:

67. Data Collection and Reporting and Local Mental Health Authorities. Out of funds appropriated above in Goal B, Community Health Services, it is the intent of the Legislature that the Department of State Health Services establish, to the fullest extent provided by law, a fair and equitable process to allocate appropriated funds for community mental health services through contracts with local mental health authorities. The contracts shall provide outcome measures to guide local authorities and the appointed boards of the local authorities.

It is the intent of the Legislature that contract reporting requirements are limited to performance on the established outcome measures and that, to the fullest extent provided by law, the Department of State Health Services provide a local mental health authority flexibility to design and deliver mental health services in the most cost-effective and appropriate manner, based on the needs and priorities of the communities that the authority serves.

It is the intent of the Legislature that the Department of State Health Services ensure, to the fullest extent provided by law, that appointed boards for local mental health authorities remain accountable to county commissioners courts or other sponsoring agencies and that the department address through the appointed boards any significant performance concerns regarding local mental health authorities and the value and effectiveness of local control.

It is the intent of the Legislature that, to the fullest extent allowed by law, financial penalties or sanctions relating to performance are limited and are imposed only after all other remedies through the local structure have been exhausted.

Representative Zerwas moved to table Amendment No. 67.

The motion to table prevailed by (Record 230): 92 Yeas, 50 Nays, 2 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Gonzales, L.; Gooden; Hamilton; Hancock; Harper-Brown; Hartnett; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Orr; Otto; Parker; Patrick; Paxton; Perry; Phillips; Pickett; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Harless; Hernandez Luna; Hochberg; Howard, D.; Johnson; King, T.; Lozano; Lucio; Lyne; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Muñoz; Naishtat; Oliveira; Peña; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Thompson; Truitt; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker; Geren(C).

Absent, Excused — Allen; Hilderbran.

Absent — Garza; Hardcastle; Miles; Nash.



**STATEMENTS OF VOTE**

When Record No. 230 was taken, I was in the house but away from my desk. I would have voted yes.

Garza

When Record No. 230 was taken, I was in the house but away from my desk. I would have voted no.

Miles

When Record No. 230 was taken, I was in the house but away from my desk. I would have voted yes.

Nash

**Amendment No. 68**

Representative Zerwas offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 131

Amend **CSHB 1** (house committee report) as follows:

Following the appropriations to the State Department of Health Services (pages II-45-II-47), add the following appropriately numbered rider (pages II-48-II-72):

\_\_\_\_\_. Contingent Appropriation: Permanent Fund for Health and Tobacco Education and Enforcement. Contingent on the enactment by the Eighty-second Legislature, Regular Session, 2011, of legislation that authorizes the Legislature to appropriate amounts from the corpus of the Permanent Fund for Health and Tobacco Education and Enforcement and on appropriations being made pursuant to that authorization, an additional sum equal to 10 percent of the amount otherwise appropriated by this Act from the corpus of that fund is appropriated from the fund for the appropriate fiscal year for which the other appropriations from the corpus are made, to the Department of State Health Services for the purposes of supplementing amounts appropriated under Strategy B.2.6, Reduce Use of Tobacco, and supporting programs established under Government Code §403.105(c). This appropriation may not exceed a total of \$20,000,000 for the fiscal biennium.

Amendment No. 68 was adopted.

**Amendment No. 69**

Representative Y. Davis offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 132

Amend **CSHB 1** (house committee printing) in Article II of the bill, following the appropriation to the Department of State Health Services (page II-45), by adding the following appropriately numbered rider:

\_\_\_\_\_. Data Collection on the Incidence of Health Care-Associated Infections. It is the intent of the legislature that the Department of State Health Services use funds appropriated for the Texas Health Care-Associated Infection Reporting System to expand the reporting to accommodate information relating to infections resulting in the death of the patient.

Amendment No. 69 was withdrawn.

**Amendment No. 70**

Representative J. Davis offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 133

Amend **CSHB 1** by adding the following appropriately numbered rider following the appropriation to the Department of State Health Services:

\_\_\_\_\_. Outpatient Competency Restoration Pilot Programs. Out of the funds appropriated above in Strategy B.2.3, Community Mental Health Crisis Services, the Department of State Health Services shall allocate \$8 million for the state fiscal year ending August 31, 2012, and \$8 million for the state fiscal year ending August 31, 2013, to support outpatient competency restoration pilot programs. It is the intent of the legislature that the department use the money to fund four existing pilot programs in Travis, Bexar, Tarrant, and Dallas Counties and to fund the development of five additional pilot programs.

**Amendment No. 71**

Representative J. Davis offered the following amendment to Amendment No. 70:

Amend Amendment No. 70 to **CSHB 1** by J. Davis of Harris as follows:

- (1) On line 7 strike "\$8 million" and substitute "\$4 million".
- (2) On line 8 strike "\$8 million" and substitute "\$4 million."

Amendment No. 71 was adopted.

Amendment No. 70, as amended, was adopted.

**Amendment No. 72**

Representative Phillips offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 135

Add the following rider to the Department of State Health Services' bill pattern:

Family Planning Service Providers. From funds appropriated in Strategy B.1.3, Family Planning Services, the Department shall allocate funds through grants or contracts for family planning services or projects to entities according to the following priorities with the most important listed first:

1. Public Entities which provide family planning services, including state, county, and local community health clinics, which do not:
  - a. perform elective abortions;
  - b. refer pregnant women to an abortion provider for an elective abortion; and

- c. refer clients to organizations that perform elective abortions for any family planning services;
2. Non-public entities which provide comprehensive primary and preventive care in addition to family planning services, which do not:
  - a. perform elective abortions;
  - b. refer pregnant women to an abortion provider for an elective abortion; and
  - c. refer clients to organizations that perform elective abortions for any family planning services;
3. Public Entities which provide family planning services, including state, county, and local community health clinics, which do not:
  - a. perform elective abortions; and
  - b. refer pregnant women to an abortion provider for an elective abortion;
4. Non-public entities which provide comprehensive primary and preventive care in addition to family planning services, which do not:
  - a. perform elective abortions; and
  - b. refer pregnant women to an abortion provider for an elective abortion;
5. Public Entities which provide family planning services, including state, county, and local community health clinics;
6. Non-public entities which provide comprehensive primary and preventive care in addition to family planning services;
7. Entities that do not qualify for 1-6.

The priorities outlined above shall be applied by health service regions in the selection of contractors and in determining the amount of the grant or contract. When there are competing entities, the funds shall be allocated to the entity that complies with the higher priority in the above list.

The commissioner shall reallocate funding if the above priority formula would result in a significant reduction of services in specific geographic area.

### **Amendment No. 73**

Representative Phillips offered the following amendment to Amendment No. 72:

Amend Amendment No. 72 by Phillips to **CSHB 1** (pages 135 and 136 of the prefiled amendment packet) by striking the text of the amendment and substituting the following:

Amend **CSHB 1** (house committee printing) in Article II of the bill, following the appropriations to the Department of State Health Services, by adding the following appropriately numbered rider:

\_\_\_\_\_. Additional Priorities for Family Planning Service Providers.

a. In allocating funds appropriated in Strategy B.1.3, Family Planning Services, to public entities that provide family planning services, the funds shall be allocated with the following levels of priority:

1. Public entities that provide family planning services, including state, county, and local community health clinics, that do not:

- A. perform elective abortions;
  - B. refer pregnant women to an abortion provider for an elective abortion;
  - C. refer clients to organizations that perform elective abortions for any family planning services;
  - D. contract with entities that perform or promote elective abortions or services related to elective abortions or that make referrals to entities that perform or promote elective abortions or services related to elective abortion; and
  - E. affiliate with entities that perform or promote elective abortions or services related to elective abortions or that make referrals to entities that perform or promote elective abortions or services related to elective abortion.
2. Public entities that provide family planning services, including state, county, and local community health clinics, that do not.
- A. perform elective abortions;
  - B. refer pregnant women to an abortion provider for an elective abortion;
  - C. contract with entities that perform or promote elective abortions or services related to elective abortions or that make referrals to entities that perform or promote elective abortions or services related to elective abortion; and
  - D. affiliate with entities that perform or promote elective abortions or services related to elective abortions or that make referrals to entities that perform or promote elective abortions or services related to elective abortion.
3. Other public entities that provide family planning services, including state, county, and local community health clinics.
- b. In allocating funds appropriated in Strategy B.1.3, Family Planning Services, to non-public entities that provide comprehensive primary and preventative care in addition to family planning services, the funds shall be allocated with the following levels of priority:
- 1. Non-public entities that provide comprehensive primary and preventive care in addition to family planning services, that do not:
    - A. perform elective abortions;
    - B. refer pregnant women to an abortion provider for an elective abortion;
    - C. refer clients to organizations that perform elective abortions for any family planning services;
    - D. contract with entities that perform or promote elective abortions or services related to elective abortions or that make referrals to entities that perform or promote elective abortions or services related to elective abortion; and
    - E. affiliate with entities that perform or promote elective abortions or services related to elective abortions or that make referrals to entities that perform or promote elective abortions or services related to elective abortion.
  - 2. Non-public entities that provide comprehensive primary and preventive care in addition to family planning services, that do not:
    - A. perform elective abortions; and
    - B. refer pregnant women to an abortion provider for an elective abortion;

C. contract with entities that perform or promote elective abortions or services related to elective abortions or that make referrals to entities that perform or promote elective abortions or services related to elective abortion; and

D. affiliate with entities that perform or promote elective abortions or services related to elective abortions or that make referrals to entities that perform or promote elective abortions or services related to elective abortion.

3. Other non-public entities that provide comprehensive primary and preventive care in addition to family planning services.

c. The priorities outlined above shall be applied by health service regions in the selection of contractors and in determining the amount of the grant or contract. When there are competing entities, the funds shall be allocated to the entity that qualifies under the higher priority in the above list.

d. The executive commissioner of the Health and Human Services Commission or the commissioner of state health services, as appropriate, shall reallocate funding if the priority formula in this rider would result in a significant reduction of services in a specific geographic area.

Amendment No. 73 was withdrawn.

Amendment No. 72 was withdrawn.

#### **Amendment No. 74**

Representative Zedler offered the following amendment to **CSHB 1**:

Floor Packet Page No. 138

Amend **CSHB 1** as follows:

(1) On page II-73 of the bill pattern for the Health and Human Services Commission, reduce General Revenue appropriations by \$56,055,335 in each fiscal year for Strategy B.2.1, COST REIMBURSED SERVICES.

(2) In Article II, Health and Human Services Commission, on page \_\_\_\_, add a new rider to read as follows and number it accordingly:

"\_\_\_\_. It is the intention of the Legislature that the reductions made to Strategy B.2.1, COST REIMBURSEMENT SERVICES, be achieved by enacting managed care policies."

Amendment No. 74 was withdrawn.

#### **Amendment No. 75**

Representative Walle offered the following amendment to **CSHB 1**:

Floor Packet Page No. 139

Amend **CSHB 1** in Article II, on page II-89, by striking Rider 43, Enterprise Data Warehouse, in its entirety.

\_\_\_\_. On page II-1, A.2.2. COMMUNITY ATTENDANT SERVICES, strike "272,419,779" in 2012 and substitute "274,526,256", and strike "325,440,409" in 2013 and substitute "327,546,886".

**Amendment No. 76**

Representative Walle offered the following amendment to Amendment No. 75:

Amend Amendment No. 75 to **CSHB 1** by Walle (page 139, prefiled amendments packet) by striking the text of the amendment and substituting the following:

Amend **CSHB 1** as follows:

(1) In Article II of the bill, in the Article II appropriations to the Department of Aging and Disability Services, increase the appropriation for Strategy A.2.2., Community Attendant Services (page II-1), by \$2,106,477 for the fiscal year ending August 31, 2012, and \$2,106,477 for the fiscal year ending August 31, 2013.

(2) Reduce the Article II appropriations to the Health and Human Services Commission for Strategy A.2.1., Consolidated System Support (page II-73), by \$2,106,477 for the fiscal year ending August 31, 2012, and \$2,106,477 for the fiscal year ending August 31, 2013.

(3) Following the Article II appropriations to the Health and Human Services Commission (page II-89), strike Rider 43.

Amendment No. 76 was adopted.

Representative Zerwas moved to table Amendment No. 75, as amended.

The motion to table prevailed by (Record 231): 97 Yeas, 48 Nays, 2 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; King, T.; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker; Geren(C).

Absent, Excused — Allen; Hilderbran.

Absent — Lyne.

**Amendment No. 77**

Representative Y. Davis offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 132

Amend **CSHB 1** (house committee printing) in Article II of the bill, following the appropriation to the Department of State Health Services (page II-45), by adding the following appropriately numbered rider:

\_\_\_\_\_. Data Collection on the Incidence of Health Care-Associated Infections. It is the intent of the legislature that the Department of State Health Services use funds appropriated for the Texas Health Care-Associated Infection Reporting System to expand the reporting to accommodate information relating to infections resulting in the death of the patient.

Amendment No. 77 was adopted.

**Amendment No. 78**

Representative Guillen offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 141

Amend **CSHB 1** in Article II of the bill, following the appropriation to the Health and Human Services Commission, by amending Rider 61 (page II-93) by striking Subsection b(7) and substituting the following:

(7) Maximizing federal matching funds through a Medicaid waiver,

Amendment No. 78 was withdrawn.

**Amendment No. 79**

Representative Zerwas offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 143

Amend **CSHB 1**, Article II, Health & Human Services Commission, Rider 61(b) by inserting a new subsection (13) and renumbering subsequent sections:

(13) Allowing group billing for up to 3 children at one time in a foster care or home setting who receive private duty nursing services.

Amendment No. 79 was adopted.

**Amendment No. 80**

Representative Coleman offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 144

Amend **CSHB 1** in Article II of the bill, following the appropriations to the Health and Human Services Commission (HHSC) by adding the following appropriately numbered rider:

\_\_\_\_\_. Medicaid Waiver For Certain Populations. Contingent on findings that a Medicaid waiver for the below populations is cost effective and feasible, the Health and Human Services Commission may seek a Medicaid waiver or

waivers from the Centers for Medicare and Medicaid Services. The Medicaid waiver(s) should incorporate the following principles without reducing the health benefit plan for already eligible enrollees:

(a) efficiently leverage state, local, federal and other funding to enable local government funds to be maximized by qualifying for federal Medicaid matching funds:

(1) increase state flexibility in its use of Medicaid funding for those certain populations;

(2) allow the state to be a more prudent purchaser and payer of health care for those certain populations;

(3) ensure Medicaid coverage for those certain populations;

(b) cover through Medicaid the following certain populations:

(1) Individuals receiving mental health services on the county level up to 200 percent FPL

(2) Individuals receiving treatment for HIV/AIDS up to 150 percent FPL

(c) solicit broad-based stakeholder input.

Further it is the intent of the Legislature that in leveraging state, local, and other funding that the Commission employ the use of intergovernmental transfers and other procedures to ensure the highest level of federal match for the certain populations.

Amendment No. 80 was adopted.

#### **Amendment No. 81**

Representative Guillen offered the following amendment to **CSHB 1**:

Floor Packet Page No. 145

Amend **CSHB 1** in Article II of the bill, following the appropriations to the Health and Human Services Commission, by adding the following appropriately numbered rider, and renumbering subsequent riders accordingly:

\_\_\_\_. Contingent Establishment of Community-Based Navigator Program. Contingent on the enactment of **HB 2610** or similar legislation of the 82nd Legislature, Regular Session, relating to the establishment of a statewide community-based navigator program through which the Health and Human Services Commission will recruit, train, and certify as navigators volunteers and other representatives of faith- and community-based organizations to assist individuals applying or seeking to apply online for public assistance benefits administered by the commission through the Texas Integrated Eligibility Redesign System (TIERS) or other electronic eligibility system that is linked to or made a part of that system, it is the intent of the legislature that the commission use an appropriate portion of the money appropriated to the commission by this Act and available for the purpose to establish the navigator program in the manner provided by that legislation.

Amendment No. 81 was withdrawn.



**Amendment No. 82**

Representative Hopson offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 146

Amend **CSHB 1** in Article II of the bill, following the appropriations to the Health and Human Services Commission, by adding the following appropriately numbered rider and renumbering subsequent riders accordingly:

\_\_\_\_. Vendor Drug Program. It is the intent of the legislature that the Health and Human Services Commission implement cost-saving strategies to increase the use of generic prescription drugs under the Medicaid and CHIP vendor drug programs by at least six percent and decrease the use of brand-name prescription drugs under the programs by a corresponding percentage. Savings realized from the strategies shall be used to pay pharmacy dispensing fees under the programs at a rate that is not less than 50 cents less than the rate in effect on March 1, 2011.

**Amendment No. 82 - Point of Order**

Representative Coleman raised a point of order against further consideration of Amendment No. 82 under Rule 8, Section 4 of the House Rules on the grounds that the amendment would change general law.

(Speaker in the chair)

The point of order was withdrawn.

Amendment No. 82 was withdrawn.

**Amendment No. 83**

Representative Christian offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 147

Amend **CSHB 1** by adding the following appropriately numbered rider following the Article II appropriations to the Health and Human Services Commission:

\_\_\_\_. Burke Center Support. Out of the funds appropriated above, the Health and Human Services Commission shall allocate \$2 million during the state fiscal biennium beginning September 1, 2011, to the Burke Center for use in providing state mandated services.

**Amendment No. 83 - Point of Order**

Representative Walle raised a point of order against further consideration of Amendment No. 83 under Rule 8, Section 4 of the House Rules on the grounds that the amendment would change general law.

The point of order was withdrawn.

Amendment No. 83 was withdrawn.

**Amendment No. 84**

Representative Anchia offered the following amendment to **CSHB 1**:

Floor Packet Page No. 148

Amend **CSHB 1** as follows:

In Article II, amend the bill pattern for the Health and Human Services Commission by inserting the following appropriately-numbered rider to read as follows and renumbering any subsequent riders accordingly:

\_\_\_\_\_. FACTUALLY OR MEDICALLY INACCURATE INFORMATION PROHIBITED. An agent or doctor receiving funds under this Article may not provide information about any condition or procedure with information the agent or doctor knows to be factually or medically inaccurate information.

Amendment No. 84 was withdrawn.

**Amendment No. 85**

Representative Coleman offered the following amendment to **CSHB 1**:

Floor Packet Page No. 149

Amend **CSHB 1** as follows:

In Article II, appropriation for the Health and Human Services Commission, insert the following appropriately-numbered rider to read as follows and renumber any subsequent riders accordingly:

"AGENCY DIRECTIVE FOR PAYMENT OF MEDICAID CONTRACTORS. Notwithstanding any other provisions, the agency is directed to make payment to all legally operating Medicaid contractors and service providers within a timely manner after receiving valid proof of services rendered for services."

Amendment No. 85 was withdrawn.

**Amendment No. 86**

Representative Zerwas offered the following amendment to **CSHB 1**:

Floor Packet Page No. 150

Amend **CSHB 1**, Health and Human Services Commission bill pattern by inserting the appropriately numbered rider and renumbering any subsequent riders accordingly.

Available Earnings from the Regional Trauma Account 5137 in Excess of the Biennial Revenue Estimate. If the total of available earnings, of the Regional Trauma Account 5137 (Red Light Camera Trauma Fund) exceeds the amount projected by the Comptroller of Public Accounts as eligible for distribution in a fiscal year in the 2012-2013 fiscal biennium, that amount is appropriated under Strategy A.1.1, Enterprise Oversight and Policy, to the Health and Human Services Commission for the state fiscal year ending August 31, 2011, to be used to reimburse uncompensated trauma care.

Amendment No. 86 was adopted.

**Amendment No. 87**

Representative Alvarado offered the following amendment to **CSHB 1**:

Floor Packet Page No. 151

Amend **CSHB 1** as follows:

In Article II, appropriation for the Health and Human Services Commission, insert the following appropriately-numbered rider to read as follows and renumber any subsequent riders accordingly:

"AGENCY DIRECTIVE FOR EFFICIENT AND EFFECTIVE CONTRACTORS. The agency is directed to give priority to contractors and service providers with evidence of operating in the most efficient and effective manner serving the highest number of clients in respective program areas."

Amendment No. 87 was adopted.

**Amendment No. 88**

Representative Zerwas offered the following amendment to **CSHB 1**:

Floor Packet Page No. 152

On page II-97 of **CSHB 1**, amend Rider 80 of the Health and Human Services bill pattern to read as follows:

Medicaid Managed Care Expansion. It is the intent of the Legislature that the Health and Human Services Commission shall not implement any Medicaid managed care expansion initiatives unless specific approval is received from CMS that protects the Upper Payment Limit Program payments. This protection includes all Medicaid managed care expansion initiatives that affect hospital UPL payments.

UPL funds that are generated from the fee-for-service reimbursement system are not subject to the waiver.

If CMS fails to grant a waiver that protects UPL funds, HHSC will implement, for both STAR expansion and STAR+PLUS expansion areas, the system currently in place for STAR+PLUS where inpatient hospital services are reimbursed using the fee-for-service system and the managed care companies manage the care of the patient and receive incentives to achieve inpatient utilization reduction targets.

**Amendment No. 89**

Representative J. Davis offered the following amendment to Amendment No. 88:

Amend Amendment No. 88 by adding the following appropriately numbered section to Special Provisions for Health and Human Services on page II-104 of **CSHB 1**.

\_\_\_\_\_ Sec. Medicaid Managed Care Premium Rate Notification Requirements. The Health and Human Services Commission shall report to the LBB and the Governor's Office of Budget and Planning on the use of appropriated funds for premium rates paid to Medicaid managed care organizations, as listed in Chapter 533, Government Code, in the manner stipulated by this provision. Prior to the submission of a proposed premium rate, the Commission shall ensure that such proposals have been certified by an independent actuary, are in compliance with Social Security Act 1903(M)(2)(A),

comport with premium rate requirements of the Centers for Medicare and Medicaid Services and Chapter 533.013, Government Code. No agency subject to this provision shall take action that causes a premium rate to be actuarially unsound. Upon initiation of the development of premium rates, HHSC shall notify the LBB and the Governor's Office of Budget and Planning of the premium rate development schedule and provide data, in a format developed by the LBB and HHSC, updated caseload and case-mix experience for the rate year, and an explanation of factors which contribute to the development of premium rates.

Amendment No. 89 was adopted.

Amendment No. 88, as amended, was adopted.

**Amendment No. 90**

Representative Crownover offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 153

Amend **CSHB 1** on page II-97 in the Health and Human Services Commission bill pattern by adding the following new rider:

\_\_\_\_\_. Contingency for **HB 670**. Contingent on the passage of **HB 670**, all cost savings to the state actualized by this bill's provisions for the 2012-13 biennium, estimated to be \$13,194,224 in General Revenue and \$31,359,000 in All Funds, shall be redistributed to the Health and Human Services Commission, at the discretion of the Executive Commissioner, to address the needs of the Texas Medicaid Program.

Amendment No. 90 was withdrawn.

**Amendment No. 91**

Representative Brown offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 154

Amend **CSHB 1** by adding the following appropriately numbered rider to Part \_\_\_\_ of Article II of the bill:

Sec. \_\_\_\_ (a) In this section, "prescription drug benefits" means any prescription drug benefits paid by the state under the Medicaid vendor drug program, the child health plan program, the kidney health care program, the children with special health care needs program, or another state program administered by the Health and Human Services commission.

(b) Effective September 1, 2011, the commission shall implement the following cost-savings measures in order to limit the expenditure of appropriated funds:

(1) continue to internally administer prescription drug benefits through the vendor drug program in a fee-for-service model;

(2) require uniform limits for prescription drug benefits requiring thirty four days supply as to brand name prescription drug utilization regardless of whether the patient receives prescription drug benefits under a fee-for-service model or a managed care model, including a primary care case management model;

(3) maximize generic prescription drug utilization over brand name prescription drug utilization in order to achieve a ten percent or greater increase in generic prescription drug utilization, and a corresponding decrease in brand name prescription drug utilization, as compared to the state's prescription drug benefits paid for fiscal year ending August 31, 2011;

(4) implement a mandatory generic formulary to the greatest extent permitted by existing preferred drug list contracts, and, as soon as practicable, re-negotiate or terminate existing preferred drug list contracts to allow for the full implementation of a mandatory generic formulary;

(5) eliminate off-label use of anticonvulsants and antipsychotic drugs;

(6) maximize the collection and retainment of all manufacturer rebates, including federal and supplemental rebates, and to the extent authorized by federal Medicaid laws;

(7) maximize medication therapy management practices in order to reduce adverse drug events and related medical costs for high-risk patients;

(8) promote appropriate medication adherence;

(9) maximize utilization of over-the-counter dispensing rather than prescription for appropriate products; and

(10) include diabetic equipment and supplies in the pharmacy preferred drug list defined in Section 531.072.

(c) If before implementing any provision the commission determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

### **Amendment No. 92**

Representative Hopson offered the following amendment to Amendment No. 91:

Amend Amendment No. 91 by Brown to **CSHB 1** (pages 154 through 156 of the prefiled amendment packet) as follows:

(1) On page 1 of the amendment, line 9, strike "Effective September 1, 2011, the commission shall" and substitute "It is the intent of the legislature that the commission".

(2) On page 2 of the amendment, line 32, between "formulary" and the semi-colon, insert the following:  
provided that the mandatory generic formulary does not include drugs utilized for the following conditions:

(A) treatment of cancer;

(B) acquired immune deficiency syndrome and human immunodeficiency virus infection;

- (C) multiple sclerosis;
  - (D) end-stage renal disease and/or kidney transplant; and
  - (E) hemophilia;
  - (3) On page 2 of the amendment, strike lines 33 and 34.
  - (4) On page 2 of the amendment, line 35, strike "retainment" and substitute "retention".
  - (5) On page 2, line 41, after the semi-colon insert "and".
  - (6) On page 2, lines 43 and 44, strike "; and" and substitute ".".
  - (7) On page 2 of the amendment, strike line 45.
  - (8) On page 3 of the amendment, strike line 46.
  - (9) Renumber the subdivisions in Subsection (b) of the rider as appropriate.
- Amendment No. 92 was adopted.

### **Amendment No. 91 - Point of Order**

Representative Coleman raised a point of order against further consideration of Amendment No. 91, as amended, under Rule 8, Section 4 of the House Rules on the grounds that the amendment would change general law.

The point of order was withdrawn.

Amendment No. 91, as amended, was withdrawn.

### **Amendment No. 93**

Representative Frullo offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 157

Amend **CSHB 1**, page II- \_\_\_\_, Special Provisions Relating to All Health and Human Services Agencies by substituting the following for Section 14, Medicaid Informational Rider. Appropriate and accurate funding amounts to be inserted by the Legislative Budget Board upon the next printing of **HB 1**.

Sec. 14. Medicaid Informational Rider. This rider is informational only and does not make any appropriations. The Health and Human Services Commission is the single state agency for Title XIX, the Medical Assistance Program (Medicaid) in Texas. Other agencies receive appropriations for and responsibility for the operations of various Medicaid programs. Appropriations made elsewhere in this Act and certain appropriations made elsewhere in general law by the Eighty-second Legislature, related to the Medicaid program include the following:

	<u>FY 2010</u>	<u>FY 2011</u>
<b><u>GRAND TOTAL, MEDICAID FUNDING FOR THE 2012-2013 BIENNIUM</u></b>		
General Revenue for Medicaid		
Tobacco Settlement Receipts for Medicaid		
General Revenue-Dedicated		
Federal Funds		
Interagency Contracts		
Medicaid Subrogation Receipts		

Appropriated Receipts-Match for Medicaid  
 MR Collections for Patient Support & Maintenance  
 Foundation School Funds

Total Funding for Medicaid  
 Unduplicated Acute Care Medicaid Average Monthly Caseload

It is the intent of the Legislature that all documents prepared by the Legislative Budget Board including but not limited to the biennial legislative estimates documents prepared for each legislative session, summaries for each biennial legislative estimates document, summaries of each stage of legislative action for proposed general appropriations acts, and Fiscal-Size Up include this summary with appropriate historical year information.

### **Health and Human Services Commission**

#### Hospital/Physician Services

General Revenue for Medicaid  
 Tobacco Settlement Receipts for Medicaid  
 General Revenue-Dedicated  
 Federal Funds  
 Interagency Contracts  
 Medicaid Subrogation Receipts  
 Appropriated Receipts-Match for Medicaid  
 MR Collections for Patient Support & Maintenance  
 Foundation School Funds

Total Funding for Medicaid  
 Acute Care Medicaid Average Monthly Caseload

#### Prescription Medications

General Revenue for Medicaid  
 Tobacco Settlement Receipts for Medicaid  
 General Revenue-Dedicated  
 Federal Funds  
 Interagency Contracts  
 Medicaid Subrogation Receipts  
 Appropriated Receipts-Match for Medicaid  
 MR Collections for Patient Support & Maintenance  
 Foundation School Funds

Total Funding for Medicaid  
 Acute Care Medicaid Average Monthly Caseload

#### Managed-care Services

General Revenue for Medicaid  
 Tobacco Settlement Receipts for Medicaid  
 General Revenue-Dedicated  
 Federal Funds  
 Interagency Contracts  
 Medicaid Subrogation Receipts  
 Appropriated Receipts-Match for Medicaid

MR Collections for Patient Support & Maintenance  
Foundation School Funds

Total Funding for Medicaid  
Acute Care Medicaid Average Monthly Caseload

Medicare Payments

General Revenue for Medicaid  
Tobacco Settlement Receipts for Medicaid  
General Revenue-Dedicated  
Federal Funds  
Interagency Contracts  
Medicaid Subrogation Receipts  
Appropriated Receipts-Match for Medicaid  
MR Collections for Patient Support & Maintenance  
Foundation School Funds

Total Funding for Medicaid  
Acute Care Medicaid Average Monthly Caseload

Disproportionate Share Hospitals

General Revenue for Medicaid  
Tobacco Settlement Receipts for Medicaid  
General Revenue-Dedicated  
Federal Funds  
Interagency Contracts  
Medicaid Subrogation Receipts  
Appropriated Receipts-Match for Medicaid  
MR Collections for Patient Support & Maintenance  
Foundation School Funds

Total Funding for Medicaid  
Acute Care Medicaid Average Monthly Caseload

Targeted Case Management

General Revenue for Medicaid  
Tobacco Settlement Receipts for Medicaid  
General Revenue-Dedicated  
Federal Funds  
Interagency Contracts  
Medicaid Subrogation Receipts  
Appropriated Receipts-Match for Medicaid  
MR Collections for Patient Support & Maintenance  
Foundation School Funds

Total Funding for Medicaid  
Acute Care Medicaid Average Monthly Caseload

School Health & Related Services

General Revenue for Medicaid  
Tobacco Settlement Receipts for Medicaid



General Revenue-Dedicated  
Federal Funds  
Interagency Contracts  
Medicaid Subrogation Receipts  
Appropriated Receipts-Match for Medicaid  
MR Collections for Patient Support & Maintenance  
Foundation School Funds

Total Funding for Medicaid  
Acute Care Medicaid Average Monthly Caseload

Early Periodic Screening, Diagnosis & Treatment

General Revenue for Medicaid  
Tobacco Settlement Receipts for Medicaid  
General Revenue-Dedicated  
Federal Funds  
Interagency Contracts  
Medicaid Subrogation Receipts  
Appropriated Receipts-Match for Medicaid  
MR Collections for Patient Support & Maintenance  
Foundation School Funds

Total Funding for Medicaid  
Acute Care Medicaid Average Monthly Caseload

Family Planning

General Revenue for Medicaid  
Tobacco Settlement Receipts for Medicaid  
General Revenue-Dedicated  
Federal Funds  
Interagency Contracts  
Medicaid Subrogation Receipts  
Appropriated Receipts-Match for Medicaid  
MR Collections for Patient Support & Maintenance  
Foundation School Funds

Total Funding for Medicaid  
Acute Care Medicaid Average Monthly Caseload

Eligibility Determination

General Revenue for Medicaid  
Tobacco Settlement Receipts for Medicaid  
General Revenue-Dedicated  
Federal Funds  
Interagency Contracts  
Medicaid Subrogation Receipts  
Appropriated Receipts-Match for Medicaid  
MR Collections for Patient Support & Maintenance  
Foundation School Funds

Total Funding for Medicaid  
Acute Care Medicaid Average Monthly Caseload

Rate Setting

General Revenue for Medicaid  
Tobacco Settlement Receipts for Medicaid  
General Revenue-Dedicated  
Federal Funds  
Interagency Contracts  
Medicaid Subrogation Receipts  
Appropriated Receipts-Match for Medicaid  
MR Collections for Patient Support & Maintenance  
Foundation School Funds

Total Funding for Medicaid  
Acute Care Medicaid Average Monthly Caseload

Program Policy

General Revenue for Medicaid  
Tobacco Settlement Receipts for Medicaid  
General Revenue-Dedicated  
Federal Funds  
Interagency Contracts  
Medicaid Subrogation Receipts  
Appropriated Receipts-Match for Medicaid  
MR Collections for Patient Support & Maintenance  
Foundation School Funds

Total Funding for Medicaid  
Acute Care Medicaid Average Monthly Caseload

**Total, Medicaid Method of Financing**  
**Health and Human Services Commission**

General Revenue for Medicaid  
Tobacco Settlement Receipts for Medicaid  
General Revenue-Dedicated  
Federal Funds  
Interagency Contracts  
Medicaid Subrogation Receipts  
Appropriated Receipts-Match for Medicaid  
MR Collections for Patient Support & Maintenance  
Foundation School Funds

Total Funding for Medicaid  
Unduplicated Acute Care Medicaid Average Monthly Caseload

**Department of Aging & Disability Services**

Community Care Services  
General Revenue for Medicaid  
Tobacco Settlement Receipts for Medicaid  
General Revenue-Dedicated

Federal Funds  
Interagency Contracts  
Medicaid Subrogation Receipts  
Appropriated Receipts-Match for Medicaid  
MR Collections for Patient Support & Maintenance  
Foundation School Funds

Total Funding for Medicaid  
Acute Care Medicaid Average Monthly Caseload

Nursing Home Services

General Revenue for Medicaid  
Tobacco Settlement Receipts for Medicaid  
General Revenue-Dedicated

Federal Funds  
Interagency Contracts  
Medicaid Subrogation Receipts  
Appropriated Receipts-Match for Medicaid  
MR Collections for Patient Support & Maintenance  
Foundation School Funds

Total Funding for Medicaid  
Acute Care Medicaid Average Monthly Caseload

Home & Community-based Services Waivers

General Revenue for Medicaid  
Tobacco Settlement Receipts for Medicaid  
General Revenue-Dedicated

Federal Funds  
Interagency Contracts  
Medicaid Subrogation Receipts  
Appropriated Receipts-Match for Medicaid  
MR Collections for Patient Support & Maintenance  
Foundation School Funds

Total Funding for Medicaid  
Acute Care Medicaid Average Monthly Caseload

Intermediate Care Facilities for Persons with Mental Retardation

General Revenue for Medicaid  
Tobacco Settlement Receipts for Medicaid  
General Revenue-Dedicated

Federal Funds  
Interagency Contracts  
Medicaid Subrogation Receipts  
Appropriated Receipts-Match for Medicaid  
MR Collections for Patient Support & Maintenance  
Foundation School Funds

Total Funding for Medicaid  
Acute Care Medicaid Average Monthly Caseload

Hospice Care

General Revenue for Medicaid

Tobacco Settlement Receipts for Medicaid

General Revenue-Dedicated

Federal Funds

Interagency Contracts

Medicaid Subrogation Receipts

Appropriated Receipts-Match for Medicaid

MR Collections for Patient Support &amp; Maintenance

Foundation School Funds

Total Funding for Medicaid

Acute Care Medicaid Average Monthly Caseload

Facility/Community-based Regulation

General Revenue for Medicaid

Tobacco Settlement Receipts for Medicaid

General Revenue-Dedicated

Federal Funds

Interagency Contracts

Medicaid Subrogation Receipts

Appropriated Receipts-Match for Medicaid

MR Collections for Patient Support &amp; Maintenance

Foundation School Funds

Total Funding for Medicaid

Acute Care Medicaid Average Monthly Caseload

Credentialing/Certification

General Revenue for Medicaid

Tobacco Settlement Receipts for Medicaid

General Revenue-Dedicated

Federal Funds

Interagency Contracts

Medicaid Subrogation Receipts

Appropriated Receipts-Match for Medicaid

MR Collections for Patient Support &amp; Maintenance

Foundation School Funds

Total Funding for Medicaid

Acute Care Medicaid Average Monthly Caseload

**Total, Medicaid Method of Financing****Department of Aging & Disability Services**

General Revenue for Medicaid

Tobacco Settlement Receipts for Medicaid

General Revenue-Dedicated

Federal Funds

Interagency Contracts

Medicaid Subrogation Receipts

Appropriated Receipts-Match for Medicaid  
MR Collections for Patient Support & Maintenance  
Foundation School Funds  
Total Funding for Medicaid  
Unduplicated Acute Care Medicaid Average Monthly Caseload

**Department of State Health Services**

**Mental Health Assessment & Service Coordinating**

General Revenue for Medicaid  
Tobacco Settlement Receipts for Medicaid  
General Revenue-Dedicated  
Federal Funds  
Interagency Contracts  
Medicaid Subrogation Receipts  
Appropriated Receipts-Match for Medicaid  
MR Collections for Patient Support & Maintenance  
Foundation School Funds  
Total Funding for Medicaid  
Acute Care Medicaid Average Monthly Caseload

**Mental Health Rehabilitation**

General Revenue for Medicaid  
Tobacco Settlement Receipts for Medicaid  
General Revenue-Dedicated  
Federal Funds  
Interagency Contracts  
Medicaid Subrogation Receipts  
Appropriated Receipts-Match for Medicaid  
MR Collections for Patient Support & Maintenance  
Foundation School Funds  
Total Funding for Medicaid  
Acute Care Medicaid Average Monthly Caseload

**Institutions for Mental Diseases**

General Revenue for Medicaid  
Tobacco Settlement Receipts for Medicaid  
General Revenue-Dedicated  
Federal Funds  
Interagency Contracts  
Medicaid Subrogation Receipts  
Appropriated Receipts-Match for Medicaid  
MR Collections for Patient Support & Maintenance  
Foundation School Funds  
Total Funding for Medicaid  
Acute Care Medicaid Average Monthly Caseload

**Total, Medicaid Method of Financing**  
**Department of State Health Services**

General Revenue for Medicaid  
 Tobacco Settlement Receipts for Medicaid  
 General Revenue-Dedicated  
 Federal Funds  
 Interagency Contracts  
 Medicaid Subrogation Receipts  
 Appropriated Receipts-Match for Medicaid  
 MR Collections for Patient Support & Maintenance  
 Foundation School Funds  
 Total Funding for Medicaid  
 Unduplicated Acute Care Medicaid Average Monthly Caseload

**Department of Assistive & Rehabilitative Services**

**Targeted Case Management**  
 General Revenue for Medicaid  
 Tobacco Settlement Receipts for Medicaid  
 General Revenue-Dedicated  
 Federal Funds  
 Interagency Contracts  
 Medicaid Subrogation Receipts  
 Appropriated Receipts-Match for Medicaid  
 MR Collections for Patient Support & Maintenance  
 Foundation School Funds  
 Total Funding for Medicaid  
 Acute Care Medicaid Average Monthly Caseload

**Early Childhood Intervention**

General Revenue for Medicaid  
 Tobacco Settlement Receipts for Medicaid  
 General Revenue-Dedicated  
 Federal Funds  
 Interagency Contracts  
 Medicaid Subrogation Receipts  
 Appropriated Receipts-Match for Medicaid  
 MR Collections for Patient Support & Maintenance  
 Foundation School Funds  
 Total Funding for Medicaid  
 Acute Care Medicaid Average Monthly Caseload

**Total, Medicaid Method of Financing**  
**Department of Assistive & Rehabilitative Services**

General Revenue for Medicaid  
 Tobacco Settlement Receipts for Medicaid  
 General Revenue-Dedicated  
 Federal Funds

Interagency Contracts  
 Medicaid Subrogation Receipts  
 Appropriated Receipts-Match for Medicaid  
 MR Collections for Patient Support & Maintenance  
 Foundation School Funds  
 Total Funding for Medicaid  
 Unduplicated Acute Care Medicaid Average Monthly Caseload

**Texas Education Agency**

**School Health & Related Services**

General Revenue for Medicaid  
 Tobacco Settlement Receipts for Medicaid  
 General Revenue-Dedicated  
 Federal Funds  
 Interagency Contracts  
 Medicaid Subrogation Receipts  
 Appropriated Receipts-Match for Medicaid  
 MR Collections for Patient Support & Maintenance  
 Foundation School Funds  
 Total Funding for Medicaid  
 Acute Care Medicaid Average Monthly Caseload

**Amendment No. 94**

Representative Frullo offered the following amendment to Amendment No. 93:

Amend Amendment No. 93 to **CSHB 1** by Frullo (pages 157-164, prefiled amendment packet) as follows:

(1) On page 1 of the amendment, under the AMENDMENT heading, in item 1., strike "by substituting" and substitute "by adding".

(2) On page 1 of the amendment, under the AMENDMENT heading, in item 1., strike "for Section 14, Medicaid Informational Rider. Appropriate and accurate funding amounts to be inserted by the Legislative Budget Board upon the next printing of **HB 1**." and substitute the following:  
 appropriately numbered rider:

\_\_\_\_\_. Medicaid Funding Transparency. Not later than December 31, 2012, the Legislative Budget Board, in cooperation with the Health and Human Services Commission, shall submit to the Legislature and publish on the commission's Internet website a report that includes the following information:

(3) On page 1 of the amendment, under the AMENDMENT heading, strike the paragraph beginning with "Sec. 14. Medicaid Informational Rider." and ending with "program include the following:".

(4) On page 1, under the GRAND TOTAL, MEDICAID FUNDING FOR THE 2012-2013 BIENNIUM heading, strike the paragraph beginning with "It is the intent of the Legislature that all documents" and ending with "with appropriate historical year information."

(5) On pages 2-8, under the GRAND TOTAL, MEDICAID FUNDING FOR THE 2012-2013 BIENNIUM heading, strike "FY 2010" each time it appears and substitute "FY 2012".

(6) On pages 2-8, under the GRAND TOTAL, MEDICAID FUNDING FOR THE 2012-2013 BIENNIUM heading, strike "FY 2011" each time it appears and substitute "FY 2013".

Amendment No. 94 was adopted.

Amendment No. 93, as amended, was adopted.

**Amendment No. 95**

Representative Guillen offered the following amendment to **CSHB 1**:

Floor Packet Page No. 141

Amend **CSHB 1** in Article II of the bill, following the appropriation to the Health and Human Services Commission, by amending Rider 61 (page II-93) by striking Subsection b(7) and substituting the following:

(7) Maximizing federal matching funds through a Medicaid waiver,

Amendment No. 95 was adopted.

**Amendment No. 96**

Representative Guillen offered the following amendment to **CSHB 1**:

Floor Packet Page No. 142

Amend **CSHB 1** in Article II of the bill, following the appropriation to the Health and Human Services Commission, by amending Rider 61 (page II-93) by striking Subsection b(7) and renumbering the subsequent subdivisions of the rider accordingly.

**Amendment No. 97**

Representative Menendez offered the following amendment to Amendment No. 96:

Amend Amendment No. 96 to **CSHB 1** by Guillen (prefiled amendment package, page 142) by striking the text of the amendment and substituting the following:

Amend **CSHB 1** in Article II of the bill, following the appropriations to the Health and Human Services Commission, by amending Rider 61 (page II-93) by adding the following appropriately numbered subdivision to Subsection (b) of the rider and renumbering subsequent subdivisions of the rider accordingly:

( ) Developing more appropriate community-based alternatives program rates that reflect a ratio to actual costs incurred.

Amendment No. 97 was adopted.

Amendment No. 96, as amended, was adopted.



**COMMITTEE GRANTED PERMISSION TO MEET**

Representative Solomons requested permission for the Committee on Redistricting to meet while the house is in session, at 7:30 p.m. today, in 3N.3, to consider pending business.

Permission to meet was granted.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Redistricting, 7:30 p.m. today, 3N.3, for a formal meeting, to consider pending business.

**CSHB 1 - (consideration continued)****Amendment No. 98**

Representatives Bonnen, Craddick, Martinez, Muñoz, Guillen, and Peña offered the following amendment to **CSHB 1**:

Floor Packet Page No. 177

Amend **CSHB 1** as follows:

(1) On page III-2, reduce the Foundation School Fund No. 193 appropriation in Strategy B.2.4. for the Windham School District by \$464,979 in fiscal year 2012 and \$464,979 in fiscal year 2013.

(2) On page III-166, add a Strategy entitled "Bachelor of Applied Technology" for Brazosport College and increase the General Revenue Fund No. 1 appropriation in the same Strategy by \$88,128 in fiscal year 2012 and \$88,128 in fiscal year 2013.

(3) On page III-168, add a Strategy entitled "Bachelor of Applied Technology" for Midland College and increase the General Revenue Fund No. 1 appropriation in the same Strategy by \$62,119 in fiscal year 2012 and \$62,119 in fiscal year 2013.

(4) On page III-169, add a Strategy entitled "Bachelor of Applied Technology" for South Texas College and increase the General Revenue Fund No. 1 appropriation in the same Strategy by \$314,732 in fiscal year 2012 and \$314,732 in fiscal year 2013.

Amendment No. 98 was adopted. (The vote was reconsidered later today, and Amendment No. 98 was adopted by Record No. 232.)

**Amendment No. 99**

Representative Landtroop offered the following amendment to **CSHB 1**:

Floor Packet Page No. 178

Amend **CSHB 1** as follows:

(1) On page III-2, reduce the Foundation School Fund No. 193 appropriation in Strategy B.2.4. for the Windham School District by \$250,000 in fiscal year 2012 and \$250,000 in fiscal year 2013.

(2) On page III-168, increase the General Revenue Fund No. 1 appropriation in Strategy V.1.1. Southwest Institute for the Deaf by \$250,000 in fiscal year 2012 and \$250,000 in fiscal year 2013.

**Amendment No. 100**

Representative Landtroop offered the following amendment to Amendment No. 99:

Amend **CSHB 1** as follows:

(1) On page III-2, reduce the Foundation School Fund No. 193 appropriation in Strategy B.2.4. for the Windham School District by \$150,000 in fiscal year 2012 and \$150,000 in fiscal year 2013.

(2) On page III-168, increase the General Revenue Fund No. 1 appropriation in Strategy V.1.1. Southwest Institute for the Deaf by \$150,000 in fiscal year 2012 and \$150,000 in fiscal year 2013.

Amendment No. 100 was adopted.

Amendment No. 99, as amended, was withdrawn.

**Amendment No. 98 - Vote Reconsidered**

Representative S. Miller moved to reconsider the vote by which Amendment No. 98 was adopted.

The motion to reconsider prevailed.

Amendment No. 98 was adopted by (Record 232): 106 Yeas, 34 Nays, 1 Present, not voting.

Yeas — Alonzo; Alvarado; Anderson, C.; Anderson, R.; Aycock; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Carter; Castro; Craddick; Creighton; Darby; Davis, J.; Davis, S.; Davis, Y.; Driver; Eiland; Eissler; Elkins; Farias; Fletcher; Flynn; Frullo; Gallego; Geren; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isaac; King, P.; Kleinschmidt; Landtroop; Larson; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Margo; Marquez; Martinez; Martinez Fischer; Menendez; Miles; Miller, D.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Paxton; Perry; Pickett; Pitts; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Torres; Truitt; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Aliseda; Anchia; Beck; Burnam; Cain; Callegari; Chisum; Coleman; Cook; Crownover; Deshotel; Dukes; Dutton; Farrar; Garza; Giddings; Gutierrez; Hamilton; Hernandez Luna; Hochberg; Jackson; Johnson; Keffer; Kolkhorst; Lavender; Mallory Caraway; McClendon; Miller, S.; Patrick; Phillips; Price; Quintanilla; Thompson; Turner.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Allen; Hilderbran.

Absent — Christian; Huberty; King, S.; King, T.; Kuempel; Laubenberg; Peña.

### STATEMENTS OF VOTE

When Record No. 232 was taken, I was in the house but away from my desk. I would have voted yes.

Huberty

When Record No. 232 was taken, I was in the house but away from my desk. I would have voted yes.

Peña

#### **Amendment No. 101**

Representative Landtroop offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 178

Amend **CSHB 1** as follows:

(1) On page III-2, reduce the Foundation School Fund No. 193 appropriation in Strategy B.2.4. for the Windham School District by \$250,000 in fiscal year 2012 and \$250,000 in fiscal year 2013.

(2) On page III-168, increase the General Revenue Fund No. 1 appropriation in Strategy V.1.1 Southwest Institute for the Deaf by \$250,000 in fiscal year 2012 and \$250,000 in fiscal year 2013.

Amendment No. 101 was withdrawn.

#### **Amendment No. 102**

Representative Solomons offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 166

Amend **CSHB 1** as follows:

(1) On page III-1, in the Schedule of Exempt Positions for the Texas Education Agency, strike the amount specified for fiscal years 2012 and 2013 for the commissioner of education and substitute \$50,000 for each of those fiscal years.

(2) On page III-2, in the appropriations to the Texas Education Agency, strike the appropriations made for fiscal years 2012 and 2013 for the following strategies:

- (A) Strategy A.2.1, Statewide Educational Programs;
- (B) Strategy A.2.2, Achievement of Students at Risk;
- (C) Strategy A.2.4, School Improvement and Support Programs;
- (D) Strategy B.1.1, Assessment and Accountability System;
- (E) Strategy B.2.2, Health and Safety;
- (F) Strategy B.2.4, Windham School District;
- (G) Strategy B.3.1, Improving Educator Quality/Leadership;
- (H) Strategy B.3.2, Agency Operations; and
- (I) Strategy B.3.5, Information Systems - Technology.

(3) On page III-2, in the appropriations to the Texas Education Agency, decrease Strategy B.3.4, Central Administration, to \$100,000 for fiscal year 2012 and \$100,000 for fiscal year 2013.

(4) On page III-2, in the appropriations to the Texas Education Agency, increase Strategy A.1.1, FSP - Equalized Operations, by \$2,261,720,982 for fiscal year 2012 and \$2,291,355,398 for fiscal year 2013.

(5) Adjust totals appropriately.

### **Amendment No. 103**

Representative Solomons offered the following amendment to Amendment No. 102:

Amend Floor Amendment No. 102 by Solomons to **CSHB 1** (page 166, prefiled amendment packet) as follows:

(1) On page 1, line 7 of the amendment, strike "strike the appropriations" and substitute "reduce the appropriations".

(2) On page 1, line 8 of the amendment, between "strategies" and the colon, insert "by the amount of nondedicated general revenue included in each appropriated amount".

(3) On page 1, line 14 of the amendment, between "System" and the colon, insert the following:

, provided that the amount of nondedicated general revenue for this strategy may be reduced only to the extent that the reduction does not cause a reduction in federal Title I administrative funds necessary to operate a federal assessment program.

(4) On page 1, line 23 of the amendment, between "2013" and the period, insert the following:

, provided that the total reduction may be achieved by reducing nondedicated general revenue included in each appropriated amount without causing a reduction in federal Title I administrative funds necessary to operate a federal assessment program. If the total reduction may not be achieved by reducing nondedicated general revenue without causing a reduction in federal Title I administrative funds necessary to operate a federal assessment program, decrease Strategy B.3.4, Central Administration, for each fiscal year to the least amount that may be achieved by reducing nondedicated general revenue without causing a reduction in federal Title I administrative funds necessary to operate a federal assessment program.

(5) On page 1, lines 26-27 of the amendment, strike "\$2,261,720,982 for fiscal year 2012 and \$2,291,355,398 for fiscal year 2013" and substitute "the total amount resulting from the reductions made in Items (2) and (3) of this amendment".

Amendment No. 103 was adopted.

### **Amendment No. 104**

Representative Madden offered the following amendment to Amendment No. 102:

Amend Amendment No. 102 to **CSHB 1** by Solomons (page 166 of the prefiled amendments packet) as follows:

- (1) On page 1, strike line 16.
- (2) Redesignate the items of the amendment appropriately.

Amendment No. 104 was adopted.

(Geren in the chair)

Representative Aycock moved to table Amendment No. 102, as amended.

The motion to table prevailed by (Record 233): 91 Yeas, 45 Nays, 2 Present, not voting.

Yeas — Aliseda; Alvarado; Anchia; Anderson, C.; Aycock; Beck; Bohac; Branch; Burkett; Button; Cain; Callegari; Castro; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Deshotel; Driver; Eiland; Eissler; Farrar; Fletcher; Frullo; Gallego; Garza; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Jackson; Keffer; King, S.; King, T.; Larson; Lavender; Legler; Margo; Marquez; Martinez; Martinez Fischer; Miller, S.; Murphy; Naishtat; Nash; Orr; Otto; Patrick; Paxton; Pitts; Price; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Strama; Taylor, L.; Taylor, V.; Torres; Truitt; Veasey; Villarreal; Vo; Weber; Zedler; Zerwas.

Nays — Alonzo; Anderson, R.; Berman; Bonnen; Brown; Burnam; Carter; Coleman; Davis, Y.; Dutton; Elkins; Farias; Flynn; Guillen; Gutierrez; Hunter; Isaac; Johnson; Kolkhorst; Kuempel; Landtroop; Laubenberg; Lewis; Lozano; Lucio; Lyne; Mallory Caraway; McClendon; Menendez; Miles; Miller, D.; Muñoz; Oliveira; Parker; Peña; Perry; Phillips; Pickett; Quintanilla; Raymond; Simpson; Solomons; Thompson; Walle; Workman.

Present, not voting — Mr. Speaker; Geren(C).

Absent, Excused — Allen; Hilderbran.

Absent — Dukes; Giddings; Hughes; King, P.; Kleinschmidt; Madden; Morrison; Turner; White; Woolley.

### STATEMENTS OF VOTE

I was shown voting yes on Record No. 233. I intended to vote no.

Branch

When Record No. 233 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

I was shown voting present, not voting on Record No. 233. I intended to vote no.

Geren

When Record No. 233 was taken, I was temporarily out of the house chamber. I would have voted no.

Hughes

When Record No. 233 was taken, I was in the house but away from my desk. I would have voted yes.

P. King

I was shown voting yes on Record No. 233. I intended to vote no.

Larson

I was shown voting no on Record No. 233. I intended to vote yes.

Laubenberg

I was shown voting yes on Record No. 233. I intended to vote no.

Lavender

I was shown voting no on Record No. 233. I intended to vote yes.

Lucio

I was shown voting no on Record No. 233. I intended to vote yes.

Mallory Caraway

I was shown voting yes on Record No. 233. I intended to vote no.

Paxton

I was shown voting yes on Record No. 233. I intended to vote no.

Price

I was shown voting yes on Record No. 233. I intended to vote no.

T. Smith

When Record No. 233 was taken, I was in the house but away from my desk. I would have voted yes.

White

### **Amendment No. 105**

Representative Madden offered the following amendment to **CSHB 1**:

Floor Packet Page No. 180

Amend **CSHB 1** on pages III-2 and III-5 by removing B.2.4. Strategy: Windham School District, and allocating \$84,000,000.00 (one half in each fiscal year for purpose of funding) of the total funding to C.2.2 Strategy: Academic/Vocational Training on page V-11. In addition to the funding already included in C.1.8. Strategy: Managed Health Care, allocate an additional \$1.4 million (one half in each fiscal year for purpose of funding) from the B.2.4 Strategy: Windham School District, to C.1.8 Strategy: Managed Health

Care-Unit Care, on page V-11. Of the remaining money initially allocated to B.2.4 Strategy: Windham School District, return any proceeds to the General Revenue fund.

### LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence temporarily for today to attend a meeting of the Committee on Redistricting:

Alonzo on motion of White.

Alvarado on motion of White.

Branch on motion of White.

Eissler on motion of White.

Harless on motion of White.

Hunter on motion of White.

Keffer on motion of White.

Phillips on motion of White.

Pickett on motion of White.

Solomons on motion of White.

Veasey on motion of White.

Villarreal on motion of White.

### CSHB 1 - (consideration continued)

Amendment No. 105 was withdrawn.

#### Amendment No. 106

Representative Gallego offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 168

Amend **CSHB 1**, Article III of the bill on page III-2, FSP-Equalized Operations, Strategy A.1.1., strike "\$16,627,813,934" in 2012 and substitute "\$20,709,399,359" and strike "\$16,538,013,933" in 2013 and substitute "\$12,456,428,508."

(Alonzo, Alvarado, Eissler, Pickett, and Veasey now present)

Representative Aycock moved to table Amendment No. 106.

The motion to table prevailed by (Record 234): 89 Yeas, 48 Nays, 2 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Gooden; Hamilton; Hancock; Hardcastle; Harper-Brown; Hartnett; Hopson; Howard, C.; Huberty; Hughes; Isaac; Jackson; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden;

Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Perry; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Taylor, L.; Taylor, V.; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Alonzo; Alvarado; Anchia; Burnam; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; King, T.; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Peña; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Vo; Walle.

Present, not voting — Mr. Speaker; Geren(C).

Absent, Excused — Allen; Hilderbran.

Absent, Excused, Committee Meeting — Branch; Harless; Hunter; Keffer; Phillips; Solomons; Villarreal.

Absent — Castro; Torres.

#### STATEMENTS OF VOTE

When Record No. 234 was taken, I was excused to attend a meeting of the Redistricting Committee. I would have voted yes.

Branch

When Record No. 234 was taken, I was in the house but away from my desk. I would have voted no.

Castro

I was shown voting present, not voting on Record No. 234. I intended to vote yes.

Geren

#### **Amendment No. 107**

Representative Perry offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 175

Amend **CSHB 1** as follows:

(1) In Article III of the bill, on page III-2, in the items of appropriations to the Texas Education Agency, increase the money appropriated for Strategy A.1.1, Equalized Operations, by \$30,951,500 for the fiscal year ending August 31, 2012, and by \$30,951,500 for the fiscal year ending August 31, 2013.

(2) In Article II of the bill, on page II-46, in the items of appropriations to the Department of State Health Services, reduce the money appropriated for Strategy B.1.3 by \$30,951,500 for the fiscal year ending August 31, 2012, and by \$30,951,500 for the fiscal year ending August 31, 2013.

(3) Adjust totals and methods of finance accordingly.

Amendment No. 107 was withdrawn.



**Amendment No. 108**

Representative Zedler offered the following amendment to **CSHB 1**:

Floor Packet Page No. 176

Amend **CSHB 1** as follows:

(1) On page III-2 of the bill pattern for the Texas Education Agency, reduce General Revenue appropriations to Strategy A.2.4, SCHOOL IMPROVEMENT AND SUPPORT, by \$16,888,266 in fiscal year 2012, and \$17,309,037 in fiscal year 2013.

(2) On page III-2 of the bill pattern for the Texas Education Agency, reduce General Revenue appropriations to Strategy A.2.3, STUDENTS WITH DISABILITIES, by \$275,000 in each fiscal year.

(3) On page III-13 of the bill, strike Rider 38, FUNDING FOR REGIONAL EDUCATION SERVICE CENTERS, following the appropriations to the Texas Education Agency.

(4) On page III-11 of the bill, strike Rider 31, REGIONAL EDUCATION SERVICE CENTER DYSLEXIA AND RELATED DISORDERS COORDINATORS, following the appropriations to the Texas Education Agency.

(5) On page III-1 of the bill, increase General Revenue appropriations for Other Funds, Property Tax Relief Fund, by \$17,373,651 in fiscal year 2012, and \$17,373,652 in fiscal year 2013.

Amendment No. 108 was withdrawn.

(Branch now present)

**LEAVE OF ABSENCE GRANTED**

The following member was granted leave of absence temporarily for today because of legislative business:

Bohac on motion of Pitts.

**CSHB 1 - (consideration continued)****Amendment No. 109**

Representative Flynn offered the following amendment to **CSHB 1**:

Floor Packet Page No. 183

Amend **CSHB 1** as follows:

1) On page III-2 of the bill pattern for the Texas Education Agency, reduce General Revenue appropriations by \$6,000,000 in each fiscal year on Strategy B.3.2, Agency Operations

2) The reduction in the General Revenue Appropriation in (1) shall be each fiscal year appropriated in equal allotments to the 400 independent school districts with the lowest targeted revenue to be spent for direct resource support of the class rooms.

Amendment No. 109 was withdrawn.

**Amendment No. 110**

Representative Dutton offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 185

Amend **CSHB 1** by reducing the nondedicated general revenue appropriated to the Texas Education Agency for the biennium ending August 31, 2013, by \$8 billion and adjusting the totals and methods of finance appropriately. The commissioner of education shall identify the strategies and objectives out of which the reductions in nondedicated general revenue are made.

(Harless, Hunter, and Villarreal now present)

**Amendment No. 111**

Representative Dutton offered the following amendment to Amendment No. 110:

Amend Amendment No. 110 by Dutton (page 185 of the pre-filed amendment packet) to **CSHB 1** on page 1, line 3, by striking "\$8 billion" and substituting "\$57 million".

Amendment No. 111 was adopted.

**Amendment No. 112**

Representative Dutton offered the following amendment to Amendment No. 110:

Amend Floor Amendment No. 110 by Dutton (page 185, pre-filed amendments packet) by adding the following at the end of the text of the amendment (page 1, line 6):

The commissioner of education is not authorized to reduce either A.1.1. Strategy: Foundation School Program - Equalized Operations or A.1.2. Strategy: Foundation School Program - Equalized Facilities.

Amendment No. 112 was adopted.

(Keffer now present)

Representative Aycock moved to table Amendment No. 110, as amended.

The motion to table prevailed by (Record 235): 86 Yeas, 52 Nays, 2 Present, not voting.

Yeas — Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Burkett; Button; Cain; Callegari; Carter; Castro; Chisum; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Dukes; Eissler; Farias; Fletcher; Flynn; Frullo; Garza; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Hochberg; Hopson; Howard, D.; Hughes; Hunter; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landroop; Larson; Laubenberg; Lyne; Madden; Margo; Marquez; Miller, D.; Miller, S.; Morrison; Nash; Orr; Otto; Patrick; Paxton; Perry; Pitts;

Price; Ritter; Schwertner; Scott; Sheffield; Shelton; Smith, T.; Smithee; Strama; Taylor, L.; Taylor, V.; Torres; Truitt; Villarreal; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Alonzo; Alvarado; Brown; Burnam; Coleman; Davis, Y.; Deshotel; Dutton; Elkins; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Harper-Brown; Howard, C.; Isaac; Johnson; King, T.; Lavender; Legler; Lewis; Lozano; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Murphy; Naishtat; Oliveira; Parker; Peña; Pickett; Quintanilla; Raymond; Reynolds; Riddle; Rodriguez; Sheets; Simpson; Smith, W.; Thompson; Turner; Veasey; Vo; Walle.

Present, not voting — Mr. Speaker; Geren(C).

Absent, Excused — Allen; Bohac; Hilderbran.

Absent, Excused, Committee Meeting — Phillips; Solomons.

Absent — Aliseda; Christian; Eiland; Hernandez Luna; Huberty.

### STATEMENTS OF VOTE

When Record No. 235 was taken, I was temporarily out of the house chamber. I would have voted no.

Aliseda

When Record No. 235 was taken, I was in the house but away from my desk. I would have voted yes.

Huberty

I was shown voting yes on Record No. 235. I intended to vote no.

Marquez

### Amendment No. 113

Representative Guillen offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 187

Amend **CSHB 1** as follows:

In Article III, under the appropriations to the Texas Education Agency, amend rider 35 as follows on page III-12 as follows:

35. Adult Education. Priority shall be given to adult literacy programs and may be given to adult literacy programs that include training in financial literacy and occupational foundation skills in the expenditure of adult education funds appropriated above. It is the intent of the Legislature that, in providing educational programs, the administering agency or agencies shall provide appropriate training to recipients of Temporary Assistance for Needy Families (TANF) in accordance with the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Out of the \$12,135,700 in General Revenue Funds appropriated in each fiscal year of the 2012-13 biennium above in Strategy A.2.5, Adult Education and Family Literacy, an amount not less than \$2,000,000 each fiscal year shall be allocated to TEA's adult education cooperatives to provide

education and training services to TANF recipients. In addition, out of the Federal TANF funds appropriated above in Strategy A.2.5, \$3,800,000 in fiscal year 2012 and \$3,800,000 in fiscal year 2013 shall be directed for services for adults who are eligible for TANF. Families that include a child living at home are deemed eligible for TANF-funded adult education services if a family member receives any of the following forms of assistance: Food Stamps, Medicaid, Children's Health Insurance Program, Child Care and Development Fund, or Free or Reduced Priced Child Nutrition Program meals. To implement these provisions, TEA shall enter into contracts or arrangements with the agency or agencies administering welfare reform and may work with other community-based organizations to offer services directly to adult TANF recipients. All providers of adult education shall meet the requirements defined in the Texas Education Code. Federal funds appropriated for this purpose shall be used for administrative expenditures only to the extent allowable under Federal regulations.

TEA shall coordinate with the Higher Education Coordinating Board in efforts to develop and implement an action plan to align Adult Basic Education and post-secondary education and in the provision of data necessary to analyze performance outcomes.

It is the intent of the Legislature that the agency shall allocate state and federal adult basic education funds, other than federal funds set aside for state administration, special projects, and staff development; funds shall be allocated by county, based both on need for persons 18 years of age or older who have not received a high school diploma/GED and on performance, including ~~contact hours as well as~~ program and student progress. Funds available to a service area in which there is no eligible service provider in the county shall be distributed proportionally by the agency to other eligible service providers in the service area to serve the county. If there are no other eligible service providers to serve the county, the funds allocated for that county shall be distributed by the agency throughout the state to eligible service providers by service area. TEA shall conduct a competitive bid process in fiscal year 2012 for eligible service provider funding in 2013.

Amendment No. 113 was withdrawn.

#### **Amendment No. 114**

Representative Coleman offered the following amendment to **CSHB 1**:

Floor Packet Page No. 191

Amend **CSHB 1** as follows:

(1) On page III-2, add the following appropriately numbered rider:

\_\_\_\_\_. Contingency Rider for the Foundation School Program. Contingent upon passage and enactment of **HB 2114** or similar legislation by the Eighty-second Legislature that creates a beverage container redemption program and places a refundable deposit on certain beverages, the Texas Education

Agency, Strategy A.1.1, the Foundation School Program - Equalized Operations is hereby appropriated the funds generated by and not otherwise allocated in **HB 2114**.

Amendment No. 114 was withdrawn.

(Solomons now present)

**Amendment No. 115**

Representative Reynolds offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 194

Amend **CSHB 1** by adding the following appropriately-numbered rider to Article III, Texas Education Agency:

\_\_\_\_. Additional Appropriations. In addition to the amounts appropriated above, there is hereby appropriated to the Texas Education Agency, Strategy A.1.1: FSP - Equalized Operations for the year ending August 31, 2013 the amount of any general revenue collected by the Comptroller in excess of the amount of probable general revenue receipts for the year ending August 31, 2013 stated in the Comptroller's Biennial Revenue Estimate for 2012-2013 as revised by the Comptroller on March 13, 2011.

(Phillips now present)

Amendment No. 115 was withdrawn.

**Amendment No. 116**

Representative Villarreal offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 195

Amend **CSHB 1** by adding the following appropriately numbered rider in Article III of the bill after the appropriation to the Texas Education Agency (page III-16):

\_\_\_\_. Contingent Appropriation from Economic Stabilization Fund for Foundation School Program. (a) For the state fiscal biennium ending August 31, 2013, in addition to other amounts appropriated by this Act, the Texas Education Agency is appropriated from the Economic Stabilization Fund \$4 billion to use for Foundation School Program purposes during the state fiscal biennium ending August 31, 2013.

(b) The provisions of this rider that make appropriations out of the Economic Stabilization Fund take effect only if this Act receives the vote required by Section 49-g, Article III, Texas Constitution.

Amendment No. 116 was withdrawn.

**Amendment No. 117**

Representative Castro offered the following amendment to **CSHB 1**:

Floor Packet Page No. 198

Amend **CSHB 1** on page III-6 (Texas Education Agency) by inserting the appropriately-numbered rider and renumbering any subsequent riders accordingly.

\_\_\_\_. Public School Counselor Report. It is the intent of the Legislature that, out of funds appropriated above, the Texas Education Agency shall conduct a comprehensive statewide study of the duties public school counselors perform. In conducting the study, the Texas Education Agency shall:

- (1) include all public school counselors;
- (2) determine the percentage of total employment time public school counselors spend in performing:
  - (A) duties relating to:
    - (i) assessment and testing; and
    - (ii) schedule changes; and
    - (iii) group counseling; and
    - (iv) individual counseling; and
    - (v) parent conferences; and
    - (vi) teacher conferences; and
    - (vii) admission, review, and dismissal meetings; and
    - (viii) provision of information concerning institutions of higher education;
  - (B) each duty described by Section 33.005, 33.006 or 33.007, Education Code, that is not addressed by Paragraph (A); and
  - (C) each additional duty not addressed by Paragraph (A) or (B) that public school counselors perform, as identified by the Texas Education Agency;
- (3) determine the public school counselor-to-student ratio statewide and in each school district at the elementary, middle or junior high, and high school levels. The Texas Education Agency shall prepare a report for the 83rd Legislature containing the findings and any recommendations resulting from the study.

Amendment No. 117 was withdrawn.

### **Amendment No. 118**

Representative Castro offered the following amendment to **CSHB 1**:

Floor Packet Page No. 199

Amend **CSHB 1** on page III-8 (Texas Education Agency) by inserting the following appropriately-numbered rider to read as follows and renumber any subsequent riders accordingly.

\_\_\_\_. Factually Inaccurate Information Prohibited. Funds appropriated above in Strategy B.2.1, Technology/Instructional Materials, shall not be used to purchase or contract for the printing of textbooks that contain factually inaccurate information.

Amendment No. 118 was withdrawn.

**Amendment No. 119**

Representative Gallego offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 192

Amend **CSHB 1** by adding the following appropriately-numbered rider to Article III, Texas Education Agency:

\_\_\_\_\_. Additional Appropriations. In addition to the amounts appropriated above, there is hereby appropriated to the Texas Education Agency, Strategy A.2.1: Statewide Educational Programs for the year ending August 31, 2013, the amount of any general revenue collected by the Comptroller in excess of the amount of probable general revenue receipts for the year ending August 31, 2013, stated in the Comptroller's Biennial Revenue Estimate for 2012-2013 as revised by the Comptroller on March 13, 2011. The Texas Education Agency shall expend these funds for the purpose of providing grants for pre-kindergarten programs consistent with the provisions of Section 29.155, Education Code.

Amendment No. 119 was withdrawn.

**Amendment No. 120**

Representative Burnam offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 196

Amend **CSHB 1** in Article III of the bill, following the appropriations to the Texas Education Agency (page III-3), by adding the following appropriately numbered rider:

Contingency Appropriation for **HB 2001**: Revenue from Reduction of High Cost Gas Exemption. Contingent upon passage of **HB 2001** or similar legislation reducing or repealing the exemption from or reduction of natural gas production taxes paid on certain high cost gas, in addition to the amounts appropriated above, there is hereby appropriated to the Foundation School Program any additional revenues generated from the reduction or elimination of the high cost gas exemption or reduction under Section 201.057, Tax Code, for the purpose of allocations to local school districts under Chapters 41, 42, and 46, Education Code.

Amendment No. 120 was withdrawn.

**Amendment No. 121**

Representative Walle offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 200

Amend **CSHB 1** in Article III, Texas Education Agency, by adding Rider \_\_\_\_\_:

Report Regarding Disciplinary Placements. The Texas Education Agency shall use the appropriations above to conduct or provide for conducting a study of student disciplinary placements made by school districts and open-enrollment charter schools to determine the academic progress made by those students, as well as the percentage of those students who are members of a racial or ethnic minority group and/or are eligible for a special education program. A district or

charter school shall provide the information for the study to the Agency in a manner that does not provide personally identifiable information concerning a student, except personally identifiable information reported under the Public Education Information Management System (PEIMS). No later than December 1, 2012, the Agency will deliver the study to the governor, the lieutenant governor, the speaker of the house of representatives, and Members of the Legislature, which shall include the results of the study and shall include agency recommendations concerning methods for reducing the number of students assigned to disciplinary placements and improving the academic progress of those students.

Representative Aycock moved to table Amendment No. 121.

The motion to table prevailed by (Record 236): 97 Yeas, 48 Nays, 2 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; King, T.; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCleendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker; Geren(C).

Absent, Excused — Allen; Bohac; Hilderbran.

(Bohac now present)

### **Amendment No. 122**

Representatives Eiland and L. Taylor offered the following amendment to **CSHB 1**:

Floor Packet Page No. 206

Amend **CSHB 1** as follows:



(1) On page III-23, decrease the General Revenue Fund No. 1 appropriation for the Teacher Retirement System in Strategy A.1.1. TRS - Public Education Retirement by \$20,538,828 in fiscal year 2012 and \$20,949,604 in fiscal year 2013.

(2) On page III-23, decrease the General Revenue Fund No. 1 appropriation for the Teacher Retirement System in Strategy A.1.2 - TRS - Higher Education Retirement by \$2,686,836 in fiscal year 2012 and \$2,740,573 in fiscal year 2013 and decrease the General Revenue Dedicated - Estimated Other Educational and General Income Account No. 770 appropriation by \$3,159,159 in fiscal year 2012 and \$3,222,342 in fiscal year 2013.

(3) On page III-23, decrease the General Revenue Fund No. 1 appropriation for the Teacher Retirement System in Strategy A.2.1 Retiree Health - Statutory Funds by \$2,075,151 in fiscal year 2012 and \$2,116,654 in fiscal year 2013.

(4) On page III-139, increase the General Revenue Fund No. 1 appropriation for The University of Texas Medical Branch at Galveston in Strategy D.1.1. Medical Branch Hospitals by \$24,871,922 in fiscal year 2012 and \$25,377,938 in fiscal year 2013.

(5) On page III-143, increase the General Revenue Fund No. 1 appropriation for The University of Texas Health Science Center at Houston in Strategy D.1.1. Dental Clinic Operations by \$117,203 in fiscal year 2012 and \$117,203 in fiscal year 2013.

(6) On page III-146, increase the General Revenue Fund No. 1 appropriation for The University of Texas Health Science Center at San Antonio in Strategy D.1.1. Dental Clinic Operations by \$304,799 in fiscal year 2012 and \$304,799 in fiscal year 2013.

(7) On page III-155, increase the General Revenue Fund No. 1 appropriation for Texas A&M University System Health Science Center in Strategy D.1.1. Dental Clinic Operations by \$6,891 in fiscal year 2012 and \$6,891 in fiscal year 2013.

Amendment No. 122 was withdrawn.

### **Amendment No. 123**

Representative Coleman offered the following amendment to **CSHB 1**:

Floor Packet Page No. 203

Amend **CSHB 1** in Article III of the bill, on page III-16 by adding the following Rider \_\_\_\_:

"Requirement on the Report of Discrimination. Out of funds appropriated above for comprehensive annual reports, school districts shall report annually to the Texas Education Agency any incidents of alleged discrimination or harassment of school district employees or students enrolled in the district on the basis of the actual or perceived ethnicity, color, gender, gender identity or expression, sexual orientation, disability, religion, or national origin that occurred in the district during the preceding year. The agency shall include the information in the comprehensive annual report as required by Section 39.332 of the Education Code."

Representative Aycock moved to table Amendment No. 123.

The motion to table prevailed by (Record 237): 97 Yeas, 49 Nays, 2 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, J.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; King, T.; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker; Geren(C).

Absent, Excused — Allen; Hilderbran.

#### **Amendment No. 124**

Representative Coleman offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 208

Amend **CSHB 1** Article III, Teacher Retirement System, Rider 5, to read as follows contingent upon the passage of **HB 2001**:

State Contribution to Texas Public School Retired Employees Group Insurance Program. The amounts specified above in A.2.1, Retiree Health-Statutory Funds, ~~\$136,349,002~~ \$272,698,004 in fiscal year 2012 and ~~\$139,075,982~~ \$278,151,964 in fiscal year 2013 are based on a state contribution rate of ~~0.50~~ 1.0 percent of payroll for each fiscal year, estimated.

The retirement system shall notify the Legislative Budget Board, the Governor, and its membership prior to establishing premiums, regarding the impact such premiums will have on retiree costs for TRS-Care insurance.

It is the intent of the Legislature that the Teacher Retirement System control the cost of the retiree insurance program by not providing rate increases to health care providers and pharmacy providers during the 2012-13 biennium without providing 60 days notice to the Legislative Budget Board.

Amendment No. 124 was withdrawn.

**Amendment No. 125**

Representative Isaac offered the following amendment to **CSHB 1**:

Floor Packet Page No. 211

Amend **CSHB 1** (house committee printing) as follows:

(1) Increase the Article III appropriations to the Higher Education Coordinating Board for Strategy B.1.8, Student Financial Aid Programs (page III-34), by \$12,000,000 for the state fiscal year ending August 31, 2012, and by \$12,000,000 for the state fiscal year ending August 31, 2013.

(2) In Article III of the bill, following the appropriations to the Higher Education Coordinating Board (page III-41), amend Subsection d in Rider 20 (Student Financial Aid Programs) to read as follows:

d. Out of the funds appropriated above in Strategy B.1.8, Student Financial Aid Programs, the Higher Education Coordinating Board shall allocate not less than \$240,249,693 in fiscal year 2012 and \$149,459,000 in fiscal year 2013 to the TEXAS Grant Program. The Higher Education Coordinating Board may allocate additional funds from the strategy to this program.

(3) Reduce the Article VII appropriations to the Texas Workforce Commission for Strategy A.2.1, Skills Development (page VII-36), by \$12,000,000 for the state fiscal year ending August 31, 2012, and by \$12,000,000 for the state fiscal year ending August 31, 2013.

(4) Adjust totals and methods of financing appropriately.

(Keffer in the chair)

Amendment No. 125 was withdrawn.

**Amendment No. 126**

Representative Giddings offered the following amendment to **CSHB 1**:

Floor Packet Page No. 212

Amend **CSHB 1**, under the Texas Higher Education Coordinating Board's bill pattern, as follows:

On page III-34:

B.1.8. Strategy : STUDENT FINANCIAL AID PROGRAMS

FY 12 ~~\$394,823,334~~ \$392,323,334

FY 13 ~~\$230,832,641~~ \$228,332,641

On page III-35:

E.1.1. Strategy: DEVELOPMENTAL EDUCATION PROGRAM

FY 12 ~~\$0~~ \$2,500,000

FY 12 ~~\$0~~ \$2,500,000

On page III-41, amend Rider 20(e) - Student Financial Aid Programs, as follows:

20(e). Student Financial Aid Programs. Out of funds appropriated above in Strategy B.1.8, Student Financial Aid Programs, the Higher Education Coordinating Board shall allocate an amount not less than ~~\$14,700,000~~ \$12,200,000 in General Revenue in fiscal year 2012 and ~~\$11,500,000~~ \$9,000,000 in fiscal year 2013 and up to \$30,000,000 in General Revenue-Dedicated

B-On-Time Set Asides Fund No. 5103 in fiscal year 2012 to the B-On-Time Program. The Higher Education Coordinating Board may allocate additional funds from the strategy to this program. The funds provided to the B-On-Time Program are appropriated in accordance with Education Code §§ 56.451-56.465 to provide eligible Texas students forgivable no-interest loans to attend colleges and universities in Texas. All balances in the General Revenue-Dedicated Texas B-On-Time Student Loan Account as of August 31, 2011, up to \$40,000,000 (and included above in Method of Financing) are hereby appropriated to the Coordinating Board for the biennium ending August 31, 2013 for the same purpose.

**Amendment No. 127**

Representatives Giddings and Hochberg offered the following amendment to Amendment No. 126:

Amend Amendment No. 126 to **CSHB 1** by Giddings (page 212 of the prefiled amendments packet) by striking the text of the amendment and substituting the following:

\_\_\_\_\_. Contingent Transfers: Higher Education Coordinating Board. It is the intent of the legislature that if, not later than September 1, 2012, it is determined by the Higher Education Coordinating Board that any of the amounts appropriated to the Higher Education Coordinating Board under Strategy B.1.8, Student Financial Aid Programs, and identified above by Rider 20(e) to be used for the B-On-Time Program for the state fiscal biennium ending August 31, 2013, have not been awarded under the B-On-Time Program, the Higher Education Coordinating Board shall transfer an amount equal to the total amount of such funds not awarded, but not to exceed \$5,000,000, as follows:

(1) \$2,500,000 to the Developmental Education Program identified under Strategy E.1.1 for use for that program during the remainder of the state fiscal biennium ending August 31, 2013; and

(2) \$2,500,000 to the Adult Basic Education Community College Grants identified under Strategy E.1.7 for use for that program during the remainder of the state fiscal biennium ending August 31, 2013.

Amendment No. 127 was adopted.

Amendment No. 126, as amended, was adopted.

**Amendment No. 128**

Representative Alonzo offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 219

Amend **CSHB 1** (house committee printing) under the Article III provisions for the Texas Higher Education Coordinating Board (pages III-33 to III-46) by adding the following appropriately numbered item:

\_\_\_\_\_. Texas Higher Education Coordinating Board: Financial Incentive Program to Prepare Teachers in Bilingual Education, English as a Second Language, and Spanish.

a. It is the intent of the legislature that the Texas Higher Education Coordinating Board establish and administer a program to provide financial incentives such as tuition assistance or student loan repayment to:

(1) assist persons in obtaining certification to teach bilingual education, English as a second language, or Spanish in a public elementary or secondary school in this state; and

(2) facilitate the employment of those persons by a public elementary or secondary school in this state that has a shortage of teachers certified to teach in those fields.

b. The Coordinating Board may use a portion of any undedicated general revenue funds otherwise appropriated to the Coordinating Board by this Act for the purpose of establishing and administering the program described by this rider.

Amendment No. 128 was withdrawn.

### **Amendment No. 129**

Representative Coleman offered the following amendment to **CSHB 1**:

Floor Packet Page No. 220

Amend **CSHB 1** in Article III of the bill, following the appropriations to the Texas Higher Education Coordinating Board by adding the following appropriately numbered rider:

\_\_\_\_\_. Tuition Report. Of the amount appropriated in Strategy B.1.8, Student Financial Aid Programs (page III-34), for the state fiscal biennium beginning September 1, 2011, to the Texas Higher Education Coordinating Board, the coordinating board shall use an appropriate and reasonable amount for each year of the biennium to conduct a study and submit a report on the financial impact of tuition and fees on students enrolled at Texas public institutions of higher education and on the families of those students. The coordinating board shall submit the report to the governor, the lieutenant governor, and each member of the legislature not later than January 1, 2013.

Representative Aycock moved to table Amendment No. 129.

The motion to table prevailed by (Record 238): 98 Yeas, 48 Nays, 2 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddock; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; King, T.; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker; Keffer(C).

Absent, Excused — Allen; Hilderbran.

### **Amendment No. 130**

Representative Isaac offered the following amendment to **CSHB 1**:

Floor Packet Page No. 211

Amend **CSHB 1** (house committee printing) as follows:

(1) Increase the Article III appropriations to the Higher Education Coordinating Board for Strategy B.1.8, Student Financial Aid Programs (page III-34), by \$12,000,000 for the state fiscal year ending August 31, 2012, and by \$12,000,000 for the state fiscal year ending August 31, 2013.

(2) In Article III of the bill, following the appropriations to the Higher Education Coordinating Board (page III-41), amend Subsection d in Rider 20 (Student Financial Aid Programs) to read as follows:

d. Out of the funds appropriated above in Strategy B.1.8, Student Financial Aid Programs, the Higher Education Coordinating Board shall allocate not less than \$240,249,693 in fiscal year 2012 and \$149,459,000 in fiscal year 2013 to the TEXAS Grant Program. The Higher Education Coordinating Board may allocate additional funds from the strategy to this program.

(3) Reduce the Article VII appropriations to the Texas Workforce Commission for Strategy A.2.1, Skills Development (page VII-36), by \$12,000,000 for the state fiscal year ending August 31, 2012, and by \$12,000,000 for the state fiscal year ending August 31, 2013.

(4) Adjust totals and methods of financing appropriately.

### **Amendment No. 131**

Representative Isaac offered the following amendment to Amendment No. 130:

Amend the Isaac amendment to **CSHB 1** (page 211, amendment packet) by striking Item 2 of the amendment (lines 7 - 16) and substituting the following:

(2) In Article III of the bill, following the appropriations to the Higher Education Coordinating Board (page III-41), amend Subsections c and d in Rider 20 (Student Financial Aid Programs) to read as follows:

c. Out of funds appropriated above in Strategy B.1.8, Student Financial Aid Programs, an amount not less than \$65,308,202, each year shall be allocated to the Tuition Equalization Grant Program. The Higher Education Coordinating Board may allocate additional funds from the strategy to this program.

d. Out of the funds appropriated above in Strategy B.1.8, Student Financial Aid Programs, the Higher Education Coordinating Board shall allocate not less than \$237,249,693 in fiscal year 2012 and \$146,459,000 in fiscal year 2013 to the TEXAS Grant Program. The Higher Education Coordinating Board may allocate additional funds from the strategy to this program.

Amendment No. 131 was adopted.

Representative Aycock moved to table Amendment No. 130, as amended.

The motion to table prevailed by (Record 239): 103 Yeas, 35 Nays, 8 Present, not voting.

Yeas — Aliseda; Alvarado; Anderson, C.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Button; Callegari; Carter; Chisum; Christian; Cook; Craddick; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Gutierrez; Hamilton; Hardcastle; Harless; Harper-Brown; Hartnett; Hochberg; Hopson; Howard, D.; Huberty; Hunter; Jackson; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miller, D.; Miller, S.; Morrison; Muñoz; Naishtat; Nash; Oliveira; Orr; Otto; Patrick; Peña; Phillips; Pickett; Pitts; Price; Raymond; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheffield; Shelton; Smith, W.; Smithee; Taylor, L.; Thompson; Torres; Truitt; Veasey; Vo; Weber; Woolley; Workman; Zerwas.

Nays — Alonzo; Anderson, R.; Bohac; Burnam; Cain; Castro; Coleman; Creighton; Farias; Farrar; Fletcher; Gallego; Hancock; Hernandez Luna; Howard, C.; Hughes; Isaac; King, P.; King, T.; Landtroop; Mallory Caraway; Miles; Paxton; Perry; Quintanilla; Reynolds; Sheets; Simpson; Smith, T.; Solomons; Taylor, V.; Villarreal; Walle; White; Zedler.

Present, not voting — Mr. Speaker; Anchia; Giddings; Johnson; Keffer(C); Parker; Strama; Turner.

Absent, Excused — Allen; Hilderbran.

Absent — Guillen; Murphy.

### STATEMENT OF VOTE

I was shown voting present, not voting on Record No. 239. I intended to vote yes.

Strama

### REASON FOR VOTE

As a trustee of a private institution, I voted present, not voting in order to avoid an appearance of any conflict of interest with the proposed amendment.

Parker

(Speaker in the chair)

**Amendment No. 132**

Representative Villarreal offered the following amendment to **CSHB 1**:

Floor Packet Page No. 221

Amend **CSHB 1** by adding the following appropriately numbered rider in Article III of the bill after the appropriation to the Texas Higher Education Coordinating Board (page III-46):

\_\_\_\_\_. Contingency Based on Appropriation from Economic Stabilization Fund; Toward EXcellence, Access, & Success (TEXAS) Grant Program. Contingent on the appropriation of sufficient money from the economic stabilization fund that is authorized to be spent for the purpose in the state fiscal biennium beginning September 1, 2011, in addition to other amounts appropriated for that biennium, the amount of \$248,574,259 is allocated for use by the Texas Higher Education Coordinating Board in awarding TEXAS grants under Subchapter M, Chapter 56, Education Code, during that biennium.

Representative Crownover moved to table Amendment No. 132.

The motion to table prevailed by (Record 240): 100 Yeas, 46 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Muñoz; Naishtat; Oliveira; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Allen; Hilderbran.

Absent — Miles.

**STATEMENT OF VOTE**

I was shown voting yes on Record No. 240. I intended to vote no.

T. King



**Amendment No. 133**

Representative Gallego offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 223

Amend **CSHB 1** (house committee printing) as follows:

(1) In the bill pattern for The University of Texas at Austin, insert the following appropriately-numbered rider:

\_\_\_\_\_. LEGISLATIVE LAW CLINIC. Out of the funds appropriated above, \$210,000 in each year of the biennium shall be used for the continuation of the Legislative Lawyering Clinic in the School of Law. These funds shall be used to pay for clinic academic and administrative personnel, research, surveys, and other expenses associated with the clinic.

(2) In Article XI, strike the item for the Legislative Lawyering Clinic on page XI-2.

Amendment No. 133 was adopted.

**Amendment No. 134**

Representative Zerwas offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 225

Amend **CSHB 1** as follows:

(1) Under the Article III appropriations to Prairie View A&M University (page III-75), reduce general revenue funding for strategy C.4.1. Institutional Enhancement by \$50,000 in FY2012 and \$50,000 in FY2013.

(2) Under the Article III appropriations to Prairie View A&M University (page III-75), add a new strategy C.4.2. University Realignment and increase general revenue funding by \$50,000 in FY2012 and \$50,000 in FY2013.

Amendment No. 134 was adopted.

**Amendment No. 135**

Representative Farias offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 226

Amend **CSHB 1** by adding the following appropriately numbered rider in Article III of the bill after the appropriation to Texas A&M University - San Antonio (page III-85):

\_\_\_\_\_. Contingent Appropriation from Economic Stabilization Fund for Texas A&M University - San Antonio. (a) For the state fiscal biennium ending August 31, 2013, in addition to other amounts appropriated by this Act, Texas A&M University - San Antonio is appropriated from the Economic Stabilization Fund the amount of \$3,894,275 to use for purposes of Strategy C.1.1, Transition Funding, under Goal C, Special Item Support, during the state fiscal biennium ending August 31, 2013.

(b) The provisions of this rider that make appropriations out of the Economic Stabilization Fund take effect only if this Act receives the vote required by Section 49-g, Article III, Texas Constitution.

Representative Crossover moved to table Amendment No. 135.

The motion to table prevailed by (Record 241): 100 Yeas, 43 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crossover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Johnson; King, T.; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Muñoz; Naishtat; Oliveira; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Thompson; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Allen; Hilderbran.

Absent — Gallego; Giddings; Miles; Turner.

#### STATEMENTS OF VOTE

When Record No. 241 was taken, I was in the house but away from my desk. I would have voted no.

Gallego

When Record No. 241 was taken, I was in the house but away from my desk. I would have voted no.

Giddings

When Record No. 241 was taken, I was in the house but away from my desk. I would have voted no.

Turner

#### Amendment No. 136

Representative Darby offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 228

On page III-118 of **CSHB 1** (house committee printing), add new rider to Angelo State University bill pattern to read as follows:

It is the intent of the Legislature that the Comptroller of Public Accounts establish, for a limit duration, a tax amnesty program under the authority of Tax Code Section 111.103, designed to encourage a voluntary reporting by delinquent taxpayers who do not hold a permit, or are otherwise not registered for a tax or fee administered by the Comptroller, or those permitted taxpayers that may have underreported or owe additional taxes or fees. Such a program should provide for the waiver of penalty or interest, or both, but shall not apply to an established tax liability or taxpayers currently under audit review. The amnesty would include tax due from purchases as defined under current state tax statutes. It is the intent of the legislature that this effort increase General Revenue Funds by at least \$75,000,000 over the Comptroller's January 2011 Biennial Revenue Estimate.

Contingent of the tax amnesty program generating revenue as described above, the Angelo State University College of Nursing and Allied Health as described above, the Angelo State University is hereby appropriated \$250,000 in fiscal year 2012 and \$250,000 in fiscal year 2013 to Angelo State University Nursing School, for instruction and operations. Any unexpended balances remaining as of August 31, 2012 out of appropriations made by this provision are hereby appropriated to Angelo State University College of Nursing and Allied Health for the fiscal year beginning September 1, 2012 for the same purpose.

In the event that actual and/or projected revenue collections are insufficient to offset the General Revenue cost identified by this provision, the Legislative Budget Board may direct the Comptroller of Public Accounts to reduce the appropriation authority provided above to be within the amount of revenue expected to be available.

#### **Amendment No. 136 - Point of Order**

Representative Y. Davis raised a point of order against further consideration of Amendment No. 136 under Rule 8, Section 4 of the House Rules on the grounds that the amendment would change general law.

The speaker sustained the point of order.

The ruling precluded further consideration of Amendment No. 136.

#### **Amendment No. 137**

Representative Turner offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 231

Amend **CSHB 1** (house committee printing) in Article III of the bill, following the appropriations to The University of Texas Health Science Center at Houston, by amending Rider 2 (Texas Heart Institute) to read as follows:

2. Texas Heart Institute. Out of the funds appropriated above, The University of Texas Health Science Center at Houston shall allocate up to \$894,133 in each year of the 2012-13 biennium to the Texas Heart Institute for gene therapy and up to \$399,086 in each year of the 2012-13 biennium to the

Texas Heart Institute for cardiovascular research. The funds provided in Strategy E.2.1 for heart disease and stroke research shall be used only in connection with programs of the Texas Heart Institute.

Amendment No. 137 was withdrawn. (The vote was reconsidered later today, and Amendment No. 137 was amended by Amendment No. 155 and was withdrawn.)

**Amendment No. 138**

Representative Turner offered the following amendment to **CSHB 1**:

Amend **CSHB 1** (house committee printing) in Article III of the bill, following the appropriations to The University of Texas Health Science Center at Houston, by amending Rider 2 (Texas Heart Institute) to read as follows:

2. Texas Heart Institute. Out of the funds appropriated above, the University of Texas Health Science Center at Houston shall allocate up to \$894,133 in each year of the 2012-13 biennium to the Texas Heart Institute for gene therapy and up to \$399,086 in each year of the 2012-13 biennium to the Texas Heart Institute for cardiovascular research. The funds provided in Strategy E.2.1 for heart disease and stroke research and in Strategy E.2.3 for the world's greatest scientist shall be used only in connection with programs of the Texas Heart Institute.

Amendment No. 138 was withdrawn.

**Amendment No. 139**

Representatives Aycock, Sheffield, Shelton, C. Anderson, Rodriguez, Darby, Solomons, Cook, Chisum, Lavender, Harper-Brown, Patrick, S. King, Keffer, Johnson, Torres, and Hardcastle offered the following amendment to **CSHB 1**:

Floor Packet Page No. 235

Remove \$140,315,877 out of the Academic Education and Vocational/Technical Education Strategies for each Public Community/Junior College.

Amend Rider 12 in Community/Junior College Bill Pattern as follows:

a. Out of the General Revenue funds appropriated to the Higher Education Employees Group Insurance Contributions ~~\$58,082,400~~ \$198,398,277 is intended for the use of public community colleges, subject to the provisions associated with that appropriation.

Amend the Higher Education Employees Group Insurance Contributions Goal C, State Contributions, ERS as follows:

C.1.30 Strategy: Public Community/Junior Colleges ~~\$28,565,100~~ \$97,645,002 ~~\$28,565,100~~ \$97,645,002

**Amendment No. 140**

Representative Aycock offered the following amendment to Amendment No. 139:

Amend Amendment No. 139 to **CSHB 1** by Aycock (page 235 of the prefiled amendments packet) by striking the text of the amendment and substituting the following:

Amend **CSHB 1** as follows:

(1) In Article III of the bill, the nondedicated general revenue fund appropriations to Public Community/Junior Colleges are reduced by a total of \$140,315,877 for the state fiscal biennium ending August 31, 2013, with the reduction allocated to each public junior college in the proportion that the public junior college's total nondedicated general revenue fund appropriations for Academic Education and Vocational/Technical Education for the biennium bears to the total nondedicated general revenue fund appropriations for Academic Education and Vocational/Technical Education to all public junior colleges for the biennium, and the appropriations for those purposes to each public junior college are reduced proportionally by the amount of the reduction allocated to the public junior college.

(2) In Article III, in the appropriations to the Higher Education Employees Group Insurance Contributions, amend C.1.30. Strategy (page III-30) as follows:

(A) in the column for the state fiscal year ending August 31, 2012, strike "29,385,900" and substitute "99,543,838"; and

(B) in the column for the state fiscal year ending August 31, 2013, strike "29,385,900" and substitute "99,543,839".

(3) Amend Rider 12, Subsection (a), following the appropriations to Public Community/Junior Colleges (page III-172) by striking "\$59,724,000" and substituting "\$200,039,877".

(4) Adjust totals and methods of financing appropriately.

Amendment No. 140 was adopted.

Amendment No. 139, as amended, was adopted.

#### **Amendment No. 141**

Representative Eiland offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 236

Amend **CSHB 1** (house committee printing) Article III, Section 6, No. 8 (b) of Special Provisions Relating Only to State Agencies of Higher Education to read as follows:

8. Appropriation Expenditure Authorization.

b. No educational and general funds appropriated to any institution or agency named in this article may be expended on auxiliary enterprises. ~~unless specifically authorized in this Act.~~

#### **Amendment No. 142**

Representative Eiland offered the following amendment to Amendment No. 141:

Amend Amendment No. 141 to **CSHB 1** (house committee printing) by Eiland (page 236 of the prefiled amendment packet) as follows:

(1) On page 1, line 7, strike " ~~, unless specifically authorized in this Act~~" and substitute ", unless specifically authorized in this Act."

(2) On page 1, line 8, add the following to the end of the amended Section 6, No. 8(b):

Any auxiliary enterprise contract shall include the following statement in bold-faced type: "The faith, credit, and taxing authority of the state of Texas are not pledged, given or lent to satisfy any obligation of this contract. No state appropriated funds may be spent to satisfy an obligation of this contract."

#### **AMENDMENT NO. 142 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE AYCOCK: Explain to us what would be included in the term "auxiliary funds."

REPRESENTATIVE EILAND: Yeah, auxiliary funds are funds that universities, that the state does not appropriate, and those funds that include intercollegiate athletics, parking, food service contracts, and things of that nature that they keep separate and apart, we don't appropriate them, they keep them locally. And so what this would say and clarify is that these are—the state is not involved in those contracts, the state does not back them. Mr. Pitts and I talked this morning about, for example, the UT and ESPN contract, and that's an example of what this would apply to in the future.

AYCOCK: Okay, so as long as there are no monies being lost on the auxiliary funds, there's no prohibition against those auxiliary funds being used by colleges, then?

EILAND: Right. We have absolutely no say-so over auxiliary funds, absolutely none.

#### **REMARKS ORDERED PRINTED**

Representative Aycock moved to print remarks between Representative Eiland and Representative Aycock.

The motion prevailed.

Amendment No. 142 was adopted.

Amendment No. 141, as amended, was adopted by (Record 242): 99 Yeas, 36 Nays, 2 Present, not voting. (The vote was reconsidered later today, and Amendment No. 141, as amended, was tabled by Record No. 248.)

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Bohac; Branch; Brown; Burkett; Burnam; Button; Callegari; Carter; Castro; Christian; Coleman; Cook; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Gallego; Garza; Geren; Gonzales, V.; Gooden; Gutierrez; Hancock; Harless; Harper-Brown; Hartnett; Howard, C.; Howard, D.; Huberty; Hunter; Isaac; King, T.; Kleinschmidt; Laubenberg; Lavender; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Muñoz; Murphy; Naishtat; Oliveira; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Raymond; Reynolds; Ritter; Rodriguez; Scott; Sheets;

Sheffield; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Thompson; Torres; Truitt; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman.

Nays — Berman; Bonnen; Chisum; Craddick; Fletcher; Flynn; Frullo; Gonzales, L.; Guillen; Hardcastle; Hochberg; Hopson; Hughes; Jackson; Keffer; King, P.; Kolkhorst; Kuempel; Landtroop; Larson; Legler; Margo; Morrison; Orr; Otto; Parker; Perry; Price; Quintanilla; Riddle; Schwertner; Shelton; Strama; Taylor, V.; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C); Gonzalez.

Absent, Excused — Allen; Hilderbran.

Absent — Cain; Creighton; Crownover; Giddings; Hamilton; Hernandez Luna; Johnson; King, S.; Lewis; Nash; Turner.

### STATEMENTS OF VOTE

When Record No. 242 was taken, my vote failed to register. I would have voted yes.

Cain

I was shown voting yes on Record No. 242. I intended to vote no.

Huberty

When Record No. 242 was taken, I was in the house but away from my desk. I would have voted yes.

Johnson

When Record No. 242 was taken, I was temporarily out of the house chamber. I would have voted yes.

Nash

I was shown voting yes on Record No. 242. I intended to vote no.

Paxton

I was shown voting yes on Record No. 242. I intended to vote no.

Simpson

### Amendment No. 143

Representative Christian offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 237

Amend **CSHB 1** in Article III of the bill, in the Special Provisions Relating Only to State Agencies of Higher Education, by adding the following appropriately numbered section:

Sec. \_\_\_\_\_. Funding of Student Centers for Family and Traditional Values. It is the intent of the Legislature that an institution of higher education shall use an amount of appropriated funds to support a family and traditional values center for students of the institution that is not less than any amount of appropriated

funds used by the institution to support a gender and sexuality center or other center for students focused on gay, lesbian, homosexual, bisexual, pansexual, transsexual, transgender, gender questioning, or other gender identity issues.

Amendment No. 143 was adopted by (Record 243): 110 Yeas, 24 Nays, 10 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Deshotel; Driver; Eiland; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Margo; Martinez; Menendez; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Raymond; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Villarreal; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Alvarado; Burnam; Coleman; Davis, S.; Davis, Y.; Dukes; Farias; Farrar; Gallego; Giddings; Gonzalez; Hochberg; Howard, D.; Johnson; McClendon; Miles; Naishtat; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Walle.

Present, not voting — Mr. Speaker(C); Anchia; Castro; Gonzales, V.; Gutierrez; Mallory Caraway; Marquez; Martinez Fischer; Quintanilla; Vo.

Absent, Excused — Allen; Hilderbran.

Absent — Alonzo; Dutton; Hernandez Luna; Oliveira.

### STATEMENTS OF VOTE

When Record No. 243 was taken, my vote failed to register. I would have voted no.

Alonzo

I was shown voting no on Record No. 243. I intended to vote yes.

S. Davis

I was shown voting yes on Record No. 243. I intended to vote no.

Deshotel

I was shown voting present, not voting on Record No. 243. I intended to vote no.

Marquez

I was shown voting yes on Record No. 243. I intended to vote no.

Villarreal



**Amendment No. 144**

Representative Christian offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 238

Amend **CSHB 1** in Article III of the bill, in the Special Provisions Relating Only to State Agencies of Higher Education, by adding the following appropriately numbered section:

Sec. \_\_\_\_\_. Courses in Western Civilization. It is the intent of the Legislature that, of the amount of funds appropriated to an institution of higher education that are used to fund the undergraduate courses offered at the institution, a sufficient amount be used by the institution to ensure that not less than 10 percent of those courses provide instruction in Western Civilization as designated in the institution's course catalogue and approved by the Texas Higher Education Coordinating Board, pursuant to its authority under Section 61.051, Education Code, as providing instruction in Western Civilization.

(Bonnen in the chair)

**AMENDMENT NO. 144 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE ANCHIA: Mr. Christian, in your view, since "Western civilization" isn't defined in your intent clause, does that include geometry, by way of example?

REPRESENTATIVE CHRISTIAN: No.

ANCHIA: Okay. Does it include algebra?

CHRISTIAN: No.

ANCHIA: Does it include any of the sciences?

CHRISTIAN: If history was created, and what was during that time and that portion is part of some history courses and where it came from, those courses or those sciences where it was, discoveries made, where those formulas found—

ANCHIA: Does it include—

CHRISTIAN:—that would be part of it. Understand, what I want is the intelligent people of our universities to direct this, to decide this. I'm not here presuming—

ANCHIA: Does it include African American studies?

CHRISTIAN: If they were part of—if African American studies were part of the involvements, I'm sure they were in all—

ANCHIA: Well, hold on, you should know, right?

CHRISTIAN: No, I do not know. There is very good evidence that I'm not totally aware of every issue that we are—

ANCHIA: Does it include Mexican American studies?

CHRISTIAN: That was not my decision.

ANCHIA: But is it your intent? You're expressing your intent. I'm trying to get at your intent because we as a legislature need to understand what you're thinking here. You're expressing intent, you're asking us to express your intent, I'm asking you to clarify. Does it include African American studies?

CHRISTIAN: If that was involved with the development of Western culture, and I'm sure at some point it was, that can be brought into that teaching.

ANCHIA: Does it include Native American studies?

CHRISTIAN: Native American studies should be taught in our universities. I would like to—as should African American studies, as should Mexican—

ANCHIA: Are they included in your definition of "Western civilization," since it is not defined in this clause, in this intent? It's your intent—

CHRISTIAN: My intent—

ANCHIA: Right, right, so tell me, tell me your intent.

CHRISTIAN: My intent is that our universities take the studies that came—the history that came—

ANCHIA: Since you're not answering specifically, then I should take from that that your intent is that it not include African American studies, Mexican American studies, or Native American studies. Is that right? Just tell us what your intent is.

CHRISTIAN: It's the study of the great literature of the Western civilizations—and that is not being taught at all of our schools—and the leaders that were involved in that.

ANCHIA: What's funny is—so, is it exclusively literature and not history? Is it history, literature? I mean, you don't define it—

CHRISTIAN: Of course literature—are involved. Literature was written during a historical perspective. Literature written today is part of this history. Literature written a century, two centuries ago, is part of that history

ANCHIA: Is—would the "I Have a Dream" speech be included in a study of Western civilization?

CHRISTIAN: I'm sure the development of free speech—I remember the studies of the development from the—

ANCHIA: Would the abolitionist movement be included?

CHRISTIAN: Abolition of what?

ANCHIA: Abolitionist movement. The history of the abolitionist movement, women's suffrage? Are any of those things in your definition of "Western civilization?"

CHRISTIAN: I do not—I would think that—whatever—the main thing that I'm for is the ancient history, for the history of our Western civilization and the literature developed from that. It is absent from many of our institutions of higher learning.

ANCHIA: Thank you. Thank you for giving us absolutely no more guidance on what your intent is. I'll take your evasiveness on this as meaning that you don't want to include any of those things and that you have a very subjective intent. I believe it will be very confusing and, frankly, it will appear very political and potentially insulting to the diverse membership of this body that you're actually bringing this amendment, because you fail to be specific, you continuously are evasive, and, frankly, you don't want to give the legislature—you don't want to tell colleagues in the legislature what you're thinking. How is The University of Texas going to interpret this, or any Texas university, other than a political statement when—and I submit, as Representative Strama did, that our universities should be free and free from this type of manipulation and political statement—

CHRISTIAN: I appreciate your views on this—

ANCHIA: —on the house floor.

CHRISTIAN: I stand here as an example of the fact that I believe that we as a people should move toward a time where we can live with each other and talk about your history, my history, anybody's history. The development of democracy from Western civilization is something we all share and enjoy in this room. Where it came from was partially from the development in Western history. That is being removed of where it came from. Most of our children, when they're tested today, think that freedom started at the time of the Civil Rights Movement in America. It didn't. It started back in Western Europe as we moved from there to this country for freedom. It's the development of—

REPRESENTATIVE MILES: Can you just kind of give me an explanation on what your intent was when you put in "Western civilization?" What did you mean by that?

CHRISTIAN: The development of where I—the part that Western civilization—we should teach where the Mexican country, Spaniards came to Mexico, how it developed from that. We should understand all the way back, how that came and made Texas what it is—a multicultural society. We study from where it came from—the Canadians, the French coming down made America a multicultural society. But we leave out, so many times, because of some bad feelings that occurred for years, genuine feelings of separation and of races. We have left out what made democracy the thing that came to America. Where did it come from? It came from Western culture, Western civilization, that brought some of those ideas. The workers, the freedom we enjoy came from Western Europe to develop this country. Some of the greatness—the individual liberties we enjoy—where did it come from?

MILES: Brother Christian, would it include the history of the Jim Crow South?

CHRISTIAN: Of what?

MILES: Would it include the history of the Jim Crow South?

CHRISTIAN: It should, if that was part of the history. The thing is—take me as an example—if that's part of the history of Western civilization—

MILES: Would it include the dragging of James Byrd that happened in your district? Would it include the dragging of James Byrd that happened in your district?

CHRISTIAN: That's right, happened in my district.

MILES: Would it include that, too?

CHRISTIAN: What?

MILES: Would it include the history of James Byrd—the dragging of James Byrd that happened in your district?

CHRISTIAN: Not of Western civilization.

MILES: So, none of the history of African Americans, or Asian Americans, none of that would be included in this, right?

CHRISTIAN: Would that be included in African history? Would white, European history be included in African history courses—

MILES: Wayne, you really don't want to go there with me man, you really don't.

CHRISTIAN: Would Mexican—Spanish—Mexican history be included in that? If it is, it should. But that's where we should study and get the truth, not the made-up, not the separated, but if you're going to teach this one, that one, and—whatever.

MILES: Why don't we do—Wayne, why don't we do Texas a great favor—why don't we respect the State of Texas and let's pull this down.

CHRISTIAN: I respect the State of Texas

MILES: Let's pull this down. Let's pull this down, Wayne Christian. Let's respect the State of Texas and the diversity of this great state, and let's pull this down, brother.

CHRISTIAN: I respect your opinion, I respect that, and I truthfully tell you that I hope that you will understand that it is not from any type of bias, mistrust—if it is, it's from a heart that wants everything to be on the table.

### **REMARKS ORDERED PRINTED**

Representative Miles moved to print remarks between Representative Christian and Representative Anchia and between Representative Christian and Representative Miles.

Representative Villarreal moved to table Amendment No. 144.

The motion prevailed.

The motion to table prevailed by (Record 244): 108 Yeas, 27 Nays, 4 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, R.; Bonnen(C); Branch; Burkett; Burnam; Button; Callegari; Carter; Castro; Coleman; Cook; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Flynn; Frullo; Gallego;

Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hardcastle; Harless; Hartnett; Hernandez Luna; Hochberg; Hopson; Howard, D.; Huberty; Hunter; Isaac; Johnson; Keffer; King, S.; King, T.; Kleinschmidt; Kuempel; Landtroop; Larson; Lavender; Lewis; Lozano; Lucio; Lyne; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Peña; Perry; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Schwertner; Scott; Sheets; Shelton; Smith, T.; Strama; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Woolley; Workman; Zerwas.

Nays — Anderson, C.; Berman; Cain; Chisum; Christian; Craddick; Fletcher; Hamilton; Hancock; Harper-Brown; Howard, C.; Hughes; Jackson; Kolkhorst; Laubenberg; Legler; Madden; Parker; Paxton; Riddle; Simpson; Smith, W.; Smithee; Taylor, V.; Weber; White; Zedler.

Present, not voting — Mr. Speaker; Miller, S.; Patrick; Solomons.

Absent, Excused — Allen; Hilderbran.

Absent — Aycock; Beck; Bohac; Brown; King, P.; Morrison; Phillips; Sheffield; Taylor, L.

#### STATEMENTS OF VOTE

When Record No. 244 was taken, my vote failed to register. I would have voted no.

Bohac

I was shown voting yes on Record No. 244. I intended to vote no.

Bonnen

I was shown voting yes on Record No. 244. I intended to vote no.

Creighton

I was shown voting yes on Record No. 244. I intended to vote no.

Flynn

I was shown voting yes on Record No. 244. I intended to vote no.

Harless

I was shown voting yes on Record No. 244. I intended to vote no.

Huberty

I was shown voting present, not voting on Record No. 244. I intended to vote yes.

Patrick

I was shown voting yes on Record No. 244. I intended to vote no.

Truitt

**Amendment No. 145**

Representative Alonzo offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 239

Amend **CSHB 1** (house committee printing) by adding the following appropriately numbered SECTION under the special provisions relating only to state agencies of higher education in ARTICLE III of the bill (page III-200), and renumbering existing SECTIONS of that article accordingly:

Sec. \_\_\_\_\_. Texas Optometry Career Opportunities Program at University of Houston. It is the intent of the legislature that the University of Houston operate an optometry career program that prepares highly qualified, economically disadvantaged students from any public or private institution of higher education for advanced studies and a career in the field of optometry and that the university solicit and accept gifts and grants for that purpose. The University of Houston may use a portion of the available general revenue funds otherwise appropriated to the institution by this Act, including gifts and grants, for the purpose of establishing and operating such a program at the institution.

Amendment No. 145 was withdrawn.

**Amendment No. 146**

Representative V. Taylor offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 241

Amend **CSHB 1** (the General Appropriations Act), in the Special Provisions Relating Only to State Agencies of Higher Education in Article III of the bill (page III-219), by adding the following appropriately numbered section:

Sec. \_\_\_\_\_. Additional Funding for TEXAS Grants. Notwithstanding any other provision of this Act, at the beginning of each state fiscal year, each state institution of higher education receiving funds appropriated under this Act that are designated as Special Item Support shall transfer 25 percent of the amount of each special item appropriation to the Higher Education Coordinating Board, to be used for the purpose of providing TEXAS Grants under Subchapter M, Chapter 56, Education Code. The Coordinating Board shall use amounts received under this section to provide TEXAS Grants, and those amounts are in addition to other amounts appropriated to the board that may be used for the purpose.

**Amendment No. 147**

Representative V. Taylor offered the following amendment to Amendment No. 146:

Amend Amendment No. 146 to **CSHB 1** by V. Taylor (prefiled amendment packet, page 241) as follows:

(1) On page 1, line 7 of the amendment, strike "state institution" and substitute "state general academic institution".

(2) On page 1, line 9 of the amendment, strike "25 percent" and substitute "five percent".

Amendment No. 147 was withdrawn.

Amendment No. 146 was withdrawn.

**Amendment No. 148**

Representative Christian offered the following amendment to **CSHB 1**:

Floor Packet Page No. 243

Amend **CSHB 1** (the General Appropriations Act), in the Special Provisions Relating Only to State Agencies of Higher Education in Article III of the bill (page III-219), by adding the following appropriately numbered section:

Sec. \_\_\_\_\_. Report on Student Loan Debt. Each institution of higher education receiving funds under this Act shall submit to the governor, the 83rd Legislature, the Texas Higher Education Coordinating Board, and the Legislative Budget Board a report of the average student loan debt of graduates of the undergraduate program at the institution. The report must be:

(1) submitted on or before the last day of each fiscal year in the state fiscal biennium beginning September 1, 2011; and

(2) based on the most recent data available to the institution.

Representative Aycock moved to table Amendment No. 148.

The motion to table prevailed by (Record 245): 130 Yeas, 11 Nays, 3 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Flynn; Frullo; Gallego; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hunter; Isaac; Jackson; Keffer; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zerwas.

Nays — Anderson, C.; Christian; Fletcher; Hughes; Johnson; King, P.; Legler; Miller, S.; Riddle; Taylor, V.; Zedler.

Present, not voting — Mr. Speaker; Bonnen(C); Dukes.

Absent, Excused — Allen; Hilderbran.

Absent — Garza; Guillen; Morrison; Taylor, L.

**STATEMENTS OF VOTE**

I was shown voting present, not voting on Record No. 245. I intended to vote yes.

Dukes

I was shown voting yes on Record No. 245. I intended to vote no.

Flynn

When Record No. 245 was taken, my vote failed to register. I would have voted yes.

Garza

I was shown voting yes on Record No. 245. I intended to vote no.

Paxton

When Record No. 245 was taken, I was in the house but away from my desk. I would have voted yes.

L. Taylor

**Amendment No. 149**

Representative V. Taylor offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 244

Amend **CSHB 1** (the General Appropriations Act), in the Special Provisions Relating Only to State Agencies of Higher Education in Article III of the bill (page III-219), by adding the following appropriately numbered section:

Sec. \_\_\_\_\_. Additional Funds for TEXAS Grants. Notwithstanding any other provision of this Act, at the beginning of each fiscal year of the state fiscal biennium ending August 31, 2013, each institution of higher education receiving funds under this Act determined in whole or part according to formulas recommended by the Texas Higher Education Coordinating Board shall transfer to the Coordinating Board a portion of the general revenue appropriations to the institution for that fiscal year. The total amount to be transferred under this section is \$128,000,000 in each state fiscal year. The Coordinating Board shall compute the amount to be transferred by each institution in each fiscal year and shall certify that amount to each institution. The amount for each institution is computed by allocating the total amount to be transferred in the fiscal year among those institutions in proportion to the total amount of general revenue appropriated by this Act to each institution for that year. Funds received by the Coordinating Board under this section shall be used by the Coordinating Board to provide TEXAS Grants, and are in addition to any other amounts appropriated by this Act that may be used for that purpose.

**Amendment No. 150**

Representative V. Taylor offered the following amendment to Amendment No. 149:



Amend Amendment No. 149 to **CSHB 1** by Van Taylor (page 244 of the prefiled amendments packet) by striking the text of the amendment and substituting the following:

Amend **CSHB 1** (the General Appropriations Act), in the Special Provisions Relating Only to State Agencies of Higher Education in Article III of the bill (page III-219), by adding the following appropriately numbered section:

Sec. \_\_\_\_\_. Additional Funds for TEXAS Grants. Notwithstanding any other provision of this Act, at the beginning of each fiscal year of the state fiscal biennium ending August 31, 2013, each general academic teaching institution receiving funds under this Act determined in whole or part according to formulas shall transfer to the Coordinating Board a portion of the general revenue appropriations to the institution for that fiscal year. The total amount to be transferred under this section is \$128,000,000 in each state fiscal year. The Coordinating Board shall compute the amount to be transferred by each institution in each fiscal year and shall certify that amount to each institution. The amount for each institution is computed by allocating the total amount to be transferred in the fiscal year among those institutions in proportion to the total amount of general revenue appropriated by this Act to each institution for that year. Funds received by the Coordinating Board under this section shall be used by the Coordinating Board to provide TEXAS Grants, and are in addition to any other amounts appropriated by this Act that may be used for that purpose.

Amendment No. 150 was adopted.

Representative Branch moved to table Amendment No. 149, as amended.

The motion to table prevailed by (Record 246): 99 Yeas, 35 Nays, 3 Present, not voting.

Yeas — Alonzo; Alvarado; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burnam; Button; Callegari; Carter; Chisum; Christian; Coleman; Cook; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Eiland; Eissler; Farias; Fletcher; Flynn; Frullo; Geren; Giddings; Gonzales, L.; Gonzalez; Gooden; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hunter; Jackson; Keffer; King, T.; Kolkhorst; Kuempel; Larson; Lavender; Lewis; Lozano; Lyne; Margo; Marquez; Martinez Fischer; McClendon; Menendez; Miller, S.; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Patrick; Peña; Phillips; Pickett; Pitts; Price; Reynolds; Riddle; Ritter; Schwertner; Scott; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Woolley; Workman; Zerwas.

Nays — Aliseda; Anchia; Burkett; Cain; Castro; Elkins; Farrar; Gallego; Garza; Gonzales, V.; Guillen; Hartnett; Hernandez Luna; Hughes; Isaac; King, P.; Kleinschmidt; Landtroop; Laubenberg; Legler; Lucio; Madden; Martinez; Parker; Paxton; Perry; Quintanilla; Raymond; Sheets; Simpson; Strama; Taylor, V.; Weber; White; Zedler.

Present, not voting — Mr. Speaker; Bonnen(C); Johnson.

Absent, Excused — Allen; Hilderbran.

Absent — Craddick; Creighton; Dutton; Harper-Brown; King, S.; Mallory Caraway; Miles; Miller, D.; Morrison; Rodriguez; Taylor, L.

### STATEMENTS OF VOTE

I was shown voting no on Record No. 246. I intended to vote yes.

Anchia

I was shown voting yes on Record No. 246. I intended to vote no.

Bohac

When Record No. 246 was taken, I was in the house but away from my desk. I would have voted no.

Craddick

When Record No. 246 was taken, I was in the house but away from my desk. I would have voted no.

Creighton

I was shown voting no on Record No. 246. I intended to vote yes.

Farrar

I was shown voting no on Record No. 246. I intended to vote yes.

Lucio

When Record No. 246 was taken, I was in the house but away from my desk. I would have voted yes.

Miles

### Amendment No. 151

Representative Berman offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 245

Amend **CSHB 1** by adding the following appropriately numbered rider in Article III, at the end of the appropriations for special provisions relating only to state agencies of higher education (page III-219):

Sec. \_\_\_\_\_. None of the funds appropriated under this Article may be expended by an institution of higher education to pay the cost of any educational benefit, including benefits such as in-state tuition or other tuition benefits, state-fund financial aid, or a state-funded scholarship, for a person who is not authorized by law to be present in the United States. It is the intent of the legislature that an institution of higher education apply any amount saved due to this restriction to fund tuition equalization grants and other forms of grants and loans for students who are legally authorized to be in the United States, and that amount is appropriated from the appropriate funds for that purpose.

Amendment No. 151 was withdrawn.

### Amendment No. 152

Representative Flynn offered the following amendment to **CSHB 1**:

Floor Packet Page No. 246

Amend **CSHB 1** by adding the appropriately number sections:

SECTION \_\_\_\_\_. Subchapter B, Chapter 39, Education Code, is amended by adding Section 39.0221 to read as follows:

Sec. 39.0221. TEMPORARY MORATORIUM ON ADMINISTERING ASSESSMENT INSTRUMENTS. (a) The agency shall:

(1) develop a plan for school districts to suspend the administration of assessment instruments under Section 39.023 for the 2011-2012 and 2012-2013 school years;

(2) determine whether implementation of a plan under Subdivision (1) would result in the loss of any federal education funding under the No Child Left Behind Act of 2001 (20 U.S.C. Section 6301 et seq.) or other federal law; and

(3) advise districts regarding any potential loss of federal education funding.

(b) A superintendent of a school district may suspend district administration of assessment instruments under Section 39.023 for the 2011-2012 and 2012-2013 school years if the suspension is:

(1) approved by the board of trustees of the district; and

(2) consistent with the plan developed by the agency under Subsection

(a).

(c) A superintendent of a school district may apply funds the superintendent identifies as savings from expenditures otherwise required for assessment instruments or the administration of assessment instruments only to:

(1) the retention of teachers or other district personnel with direct student contact and involvement; or

(2) consumable resources requested by classroom teachers for classroom instruction.

(d) The amount of state funding a school district receives each school year is not contingent on a superintendent's decision under this section concerning the administration of assessment instruments under Section 39.023 for the 2011-2012 and 2012-2013 school years.

(e) This section expires September 1, 2013.

### **Amendment No. 153**

Representatives Flynn and Bonnen offered the following amendment to Amendment No. 152:

Amend Amendment No. 152 to **CSHB 1** by Flynn (pages 246-247, prefiled amendment packet) by striking the text of the amendment and substituting the following:

Amend **CSHB 1** in Article III of the bill, following the appropriations to the Texas Education Agency, by adding the following appropriately numbered rider:

\_\_\_\_\_. Contingent Rider: Savings from Moratorium on Administering Assessment Instruments. (a) This rider is contingent on the enactment and becoming law of **HB 2491** or similar legislation by the 82nd Legislature, Regular Session, relating to a moratorium on certain testing and assessments of certain public school students under the public school accountability system.

(b) If the superintendent of a school district suspends district administration of assessment instruments as provided by the legislation described by Subsection (a) of this rider, the savings of state money generated by a school district's suspension of that administration during a fiscal year shall be distributed by the Texas Education Agency to that school district for that fiscal year only for the purposes of:

(1) the retention of teachers of other district personnel with direct student contact and involvement; or

(2) consumable resources requested by classroom teachers for classroom instruction.

#### **Amendment No. 153 - Point of Order**

Representative Walle raised a point of order against further consideration of Amendment No. 153 under Rule 8, Section 4 of the House Rules on the grounds that the amendment would change general law.

The point of order was withdrawn.

Amendment No. 153 was withdrawn.

Amendment No. 152 was withdrawn.

#### **Amendment No. 154**

Representative Morrison offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 242

Amend **CSHB 1** (the General Appropriations Act), in the Special Provisions Relating Only to State Agencies of Higher Education in Article III of the bill (page III-219), by adding the following appropriately numbered section:

Sec. \_\_\_\_\_. Online Degree Plans. (a) Using funds appropriated by this Act, not later than August 1, 2012, each public institution of higher education receiving appropriations under this Act shall submit to the Higher Education Coordinating Board a study of the costs of making available online four of the institution's most popular degree plans, as determined by the institution. Each institution's reported cost study must include the methodology used for the cost study and an explanation for each expense listed in the study.

(b) The coordinating board shall use new and existing data, including performance measures, ongoing research studies, and survey data, to evaluate probable student outcomes for online degree plans identified by the institutions. The coordinating board shall:

(1) analyze and compare all reported cost studies under this section and corresponding student outcomes to determine the most efficient and effective of the proposed online degree plans among those institutions generally; and

(2) notify each institution of its conclusions.

Representative Aycock moved to table Amendment No. 154.

The motion to table was lost by (Record 247): 60 Yeas, 80 Nays, 2 Present, not voting.

Yeas — Alvarado; Anchia; Anderson, R.; Brown; Burkett; Burnam; Button; Cain; Callegari; Chisum; Coleman; Crownover; Davis, S.; Eiland; Eissler; Farrar; Fletcher; Frullo; Garza; Geren; Gonzalez; Gooden; Gutierrez; Harless; Hernandez Luna; Hopson; Hunter; Jackson; Johnson; Keffer; King, S.; Lucio; Lyne; Mallory Caraway; Marquez; Martinez Fischer; Menendez; Miller, S.; Patrick; Phillips; Pickett; Pitts; Reynolds; Riddle; Ritter; Rodriguez; Scott; Sheffield; Shelton; Smith, T.; Smithee; Solomons; Taylor, L.; Thompson; Torres; Truitt; Veasey; Villarreal; Woolley; Zerwas.

Nays — Aliseda; Alonzo; Anderson, C.; Aycock; Beck; Berman; Bohac; Branch; Carter; Castro; Christian; Cook; Craddick; Creighton; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dutton; Elkins; Flynn; Gallego; Giddings; Gonzales, L.; Gonzales, V.; Guillen; Hamilton; Hancock; Hardcastle; Harper-Brown; Hartnett; Hochberg; Howard, C.; Howard, D.; Huberty; Isaac; King, P.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Madden; Margo; Martinez; Miles; Miller, D.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Paxton; Peña; Price; Quintanilla; Raymond; Schwertner; Sheets; Simpson; Smith, W.; Strama; Taylor, V.; Turner; Vo; Weber; White; Workman; Zedler.

Present, not voting — Mr. Speaker; Bonnen(C).

Absent, Excused — Allen; Hilderbran.

Absent — Dukes; Farias; Hughes; McClendon; Perry; Walle.

#### STATEMENTS OF VOTE

When Record No. 247 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

When Record No. 247 was taken, I was in the house but away from my desk. I would have voted yes.

McClendon

I was shown voting yes on Record No. 247. I intended to vote no.

T. Smith

Amendment No. 154 was adopted.

#### **Amendment No. 137 - Vote Reconsidered**

Representative Turner moved to reconsider the vote by which Amendment No. 137 was withdrawn.

The motion to reconsider prevailed.

#### **Amendment No. 155**

Representative Schwertner offered the following amendment to Amendment No. 137:

Amend Amendment No. 137 by Turner to **CSHB 1** (page 231 of the prefiled amendment packet) by adding the following to the end of the amendment:

Sec. \_\_\_\_\_. The Texas A&M University System Health Science Center. The Texas A&M University System Health Science Center is appropriated \$3,000,000 for the fiscal year ending August 31, 2012, and 3,000,000 for the fiscal year ending August 31, 2013, to The Texas A&M University System Health Science Center in Strategy E.1.4. College Station, Temple, Round Rock–Medical (page III-155) for the purpose of enrolling additional medical students over and above its full-time equivalent student base used for the state fiscal biennium ending August 31, 2013. Any unexpended balances remaining as of August 31, 2012, out of appropriations made by this provision are appropriated to The Texas A&M University System Health Science Center for the fiscal year beginning September 1, 2012, for the same purpose.

Amendment No. 155 was adopted.

Amendment No. 137, as amended, was withdrawn.

### **Amendment No. 141 - Vote Reconsidered**

Representative Callegari moved to reconsider the vote by which Amendment No. 141, as amended, was adopted.

The motion to reconsider prevailed.

Representative Lewis moved to table Amendment No. 141, as amended.

The motion to table prevailed by (Record 248): 82 Yeas, 60 Nays, 3 Present, not voting.

Yeas — Anderson, C.; Aycock; Beck; Branch; Burkett; Button; Cain; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, S.; Eissler; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gonzalez; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hopson; Huberty; Hughes; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Margo; Marquez; Miller, D.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Ritter; Schwertner; Scott; Sheets; Shelton; Simpson; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Torres; Truitt; White; Woolley; Zedler; Zerwas.

Nays — Aliseda; Alonzo; Alvarado; Anchia; Anderson, R.; Berman; Bohac; Burnam; Callegari; Carter; Castro; Davis, J.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Guillen; Gutierrez; Hartnett; Hernandez Luna; Hochberg; Howard, C.; Howard, D.; Hunter; King, T.; Lozano; Lucio; Madden; Mallory Caraway; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, S.; Muñoz; Naishtat; Oliveira; Pickett; Quintanilla; Raymond; Reynolds; Riddle; Rodriguez; Smith, T.; Thompson; Turner; Veasey; Villarreal; Vo; Walle; Weber; Workman.

Present, not voting — Mr. Speaker; Bonnen(C); Sheffield.

Absent, Excused — Allen; Hilderbran.

Absent — Brown; Coleman; Driver.

**Amendment No. 156**

Representative Castro offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 198

Amend **CSHB 1** on page III-6 (Texas Education Agency) by inserting the appropriately-numbered rider and renumbering any subsequent riders accordingly.

\_\_\_\_\_. Public School Counselor Report. It is the intent of the Legislature that, out of funds appropriated above, the Texas Education Agency shall conduct a comprehensive statewide study of the duties public school counselors perform. In conducting the study, the Texas Education Agency shall:

(1) include all public school counselors;  
(2) determine the percentage of total employment time public school counselors spend in performing:

(A) duties relating to:

- (i) assessment and testing; and
- (ii) schedule changes; and
- (iii) group counseling; and
- (iv) individual counseling; and
- (v) parent conferences; and
- (vi) teacher conferences; and
- (vii) admission, review, and dismissal meetings; and
- (viii) provision of information concerning institutions of higher

education;

(B) each duty described by Section 33.005, 33.006 or 33.007, Education Code, that is not addressed by Paragraph (A); and

(C) each additional duty not addressed by Paragraph (A) or (B) that public school counselors perform, as identified by the Texas Education Agency;

(3) determine the public school counselor-to-student ratio statewide and in each school district at the elementary, middle or junior high, and high school levels. The Texas Education Agency shall prepare a report for the 83rd Legislature containing the findings and any recommendations resulting from the study.

**Amendment No. 157**

Representative Branch offered the following amendment to Amendment No. 156:

Amend Amendment No. 156 by Castro (page 198 pre-filed amendment packet), to **CSHB 1** on page 1, line 11, by striking "public school counselors" and substituting "full-time public school counselors, part-time public school counselors, and teachers who perform the functions of a public school counselor"

Amendment No. 157 was adopted.

Amendment No. 156, as amended, was adopted.

**Amendment No. 158**

Representative Zedler offered the following amendment to **CSHB 1**:

Floor Packet Page No. 138

Amend **CSHB 1** as follows:

(1) On page II-73 of the bill pattern for the Health and Human Services Commission, reduce General Revenue appropriations by \$56,055,335 in each fiscal year for Strategy B.2.1, COST REIMBURSED SERVICES.

(2) In Article II, Health and Human Services Commission, on page \_\_\_\_, add a new rider to read as follows and number it accordingly:

"\_\_\_\_. It is the intention of the Legislature that the reductions made to Strategy B.2.1, COST REIMBURSEMENT SERVICES, be achieved by enacting managed care policies."

**Amendment No. 159**

Representative Zedler offered the following amendment to Amendment No. 158:

Amend Amendment No. 158 by Zedler to **CSHB 1** (page 138, prefiled amendment packet) by striking Item (2) of the amendment and substituting the following:

(2) In Article II of the bill, following the appropriations to the Health and Human Services Commission, add the following appropriately numbered rider:

\_\_\_\_. The amounts appropriated to the Health and Human Services Commission for Strategy B.2.1, Cost Reimbursed Services, include a reduction of \$56,055,335 for each state fiscal year from the amount proposed in the house committee report for this Act.

(3) Increase the Article II appropriations to the Health and Human Services Commission for Strategy B.1.4, CHILDREN AND MEDICALLY NEEDY (page II-73), by \$56,055,335 in each fiscal year.

(4) Adjust totals and methods of financing accordingly.

Amendment No. 159 was adopted.

Amendment No. 158, as amended, was adopted by (Record 249): 99 Yeas, 45 Nays, 2 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycocock; Beck; Berman; Bohac; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eiland; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Menendez; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Riddle; Ritter; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.



Nays — Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; King, T.; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Miles; Muñoz; Naishtat; Oliveira; Quintanilla; Raymond; Reynolds; Rodriguez; Simpson; Strama; Thompson; Turner; Veasey; Vo; Walle.

Present, not voting — Mr. Speaker; Bonnen(C).

Absent, Excused — Allen; Hilderbran.

Absent — Schwertner; Villarreal.

### STATEMENTS OF VOTE

I was shown voting yes on Record No. 249. I intended to vote no.

Menendez

When Record No. 249 was taken, I was in the house but away from my desk. I would have voted yes.

Schwertner

### Amendment No. 160

Representatives Pitts, Aycock, and Darby offered the following amendment to **CSHB 1**:

Floor Packet Page No. 6

Amend **CSHB 1**, Article III, page III-13, by amending Rider 38 in the Texas Education Agency's bill pattern as follows:

Funding for Regional Education Service Centers. Out of the funds appropriated above in Strategy A.2.4, School Improvement and Support, the Commissioner shall distribute \$16,888,266 in fiscal year 2012 and \$17,309,037 in fiscal year 2013 to Regional Education Service Centers to provide professional development and other technical assistance services to school districts. No more than one-third of the amounts identified in this rider shall be distributed by the commissioner for core services based on criteria established in the Texas Education Code, §8.121. The remaining amounts shall be distributed through a formula based on geographic considerations and school districts serving less than 1600 students. The formula for distribution shall be determined by the Commissioner but shall provide enhanced funding to Regional Education Service Centers that primarily serve small and rural school districts. The Commissioner shall obtain approval for the distribution formula from the Legislative Budget Board and the Governor.

### Amendment No. 161

Representative Hochberg offered the following amendment to Amendment No. 160:

Amend the Pitts amendment to **CSHB 1** (amendment packet page 6) by striking the last three sentences of the amendment and substituting the following:

The remaining amounts shall be distributed through a formula based on:

- (1) geographic considerations; and
- (2) school districts serving less than 1600 students and open-enrollment charter schools.

The formula for distribution shall be determined by the commissioner but shall provide enhanced funding to regional education service centers that primarily serve small and rural school districts. The commissioner shall obtain approval for the distribution formula from the Legislative Budget Board and the governor.

Amendment No. 161 was adopted.

Amendment No. 160, as amended, was adopted.

### **Amendment No. 162**

Representative Gutierrez offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 76

Amend **CSHB 1** in Article I of the bill by adding the following appropriately numbered rider following the appropriations to the Library and Archives Commission:

\_\_\_\_\_. \$2,000,000 dollars shall be appropriated over the biennium to the Library and Archives Goal A.1.1 Library Resource Sharing Services from funds appropriated to the Texas Highway Magazine.

### **Amendment No. 163**

Representative Gutierrez offered the following amendment to Amendment No. 162:

Amend the amendment to **CSHB 1** as follows:

(1) Contingent upon the passage and enactment of **HB 2001** or similar legislation by the Eighty-second Legislature that repeals the tax exemption on high cost gas production; or the passage and enactment of **HB 1936** or similar legislation by the Eighty-second Legislature which equalizes the amount of allowable importation of alcoholic beverages for Texas residents and non-residents; or the passage and enactment of **HB 1317** or similar legislation by the Eighty-second Legislature that provides that certain online retailers are engaged in business in the state for the purpose of determining the business' sales and use tax obligations; or upon implementation through legislation or other any other manner of non-tax revenue generating measures recommended by the Eighty-second Legislature's Senate Finance Subcommittee on Fiscal Matters, then;

(2) On page I-68, in the appropriations to the Library and Archives Commission, increase Strategy A.1.2: Aid to Local Libraries, by \$1,500,000 in fiscal year 2012 and by \$1,500,000 in fiscal year 2013.

(3) On page I-68, in the appropriations to the Library and Archives Commission, increase funding for Rider 7 to \$1,500,000 for each year of the following biennium.

(4) In Article I, amend the bill pattern for the Library & Archives Commission by inserting the following appropriately numbered riders to read as follows and renumbering any subsequent riders accordingly:

\_\_\_\_\_ . Lone Star Libraries Grants. Out of amounts appropriated above in Strategy A.1.2, Aid to Local Libraries, the agency shall expend \$1,500,000 in fiscal year 2012 and \$1,500,000 in fiscal year 2013 from the General Revenue Fund for Lone Star Libraries grants.

\_\_\_\_\_ . \$250,000 shall be appropriated to Rider 7. Contingency for K-12 TexShare Database Program over the next biennium from the Department of Rural Affairs Goal A.1.1 Strategy to Provide Grants for Community and Economic Development Projects.

Amendment No. 163 was adopted.

Amendment No. 162, as amended, was withdrawn.

#### **Amendment No. 164**

Representative Simpson offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 46

Amend **CSHB 1** (house committee printing) as follows:

(1) In Article I of the bill, in the appropriations to the Trusteed Programs Within the Office of the Governor, in A.1.4. Strategy: Film and Music Marketing (page I-50):

(A) amend the funding for the state fiscal year ending August 31, 2012, by striking "\$16,000,000" and substituting "\$1,000,000"; and

(B) amend the funding for the state fiscal year ending August 31, 2013, by striking "\$16,000,000" and substituting "\$1,000,000".

(2) Strike Rider 21 following the appropriations to the Trusteed Programs Within the Office of the Governor (page I-55) and renumber subsequent riders accordingly.

(3) Add the following appropriately numbered rider following the appropriations to Public Community/Junior Colleges (page III-166):

\_\_\_\_\_. Appropriation of Additional Revenue for Vocational/Technical Education. In addition to other amounts appropriated to public junior colleges for vocational/technical education by this Act, the following amounts are appropriated from the general revenue fund for vocational/technical education at those colleges. The amount appropriated by this rider for each fiscal year shall be allocated to those public junior colleges in proportion to the amount appropriated above to each college for vocational/technical education for the same fiscal year:

(1) \$15,000,000 for the state fiscal year ending August 31, 2012; and

(2) \$15,000,000 for the state fiscal year ending August 31, 2013.

(4) Adjust totals and methods of financing appropriately.

#### **Amendment No. 165**

Representative Simpson offered the following amendment to Amendment No. 164:

Amend Floor Amendment No. 164 by Simpson (page 46, pre-filed amendment packet) as follows:

(1) On page 1, line 7, strike "\$1,000,000" and substitute "\$11,000,000".

(2) On page 1, line 10, strike "\$1,000,000" and substitute "\$11,000,000".

(3) On page 1, line 26, strike "\$15,000,000" and substitute "\$6,462,056".

(4) On page 1, line 28, strike "\$15,000,000" and substitute "\$6,483,581".

(5) Add the following new items to the amendment, numbered appropriately, to read as follows:

( ) In Article I of the bill, in the appropriations to the Trusteed Programs within the Office of the Governor, A.1.9. Strategy: Economic Development and Tourism (page I-50):

(A) reduce the general revenue funds appropriated for the state fiscal year ending August 31, 2012, by \$2,962,056; and

(B) reduce the general revenue funds appropriated for the state fiscal year ending August 31, 2013, by \$2,983,581.

( ) In the appropriations to the Library & Archives Commission, increase the appropriations to Strategy A.1.2, Aid to Local Libraries (page I-68), by \$1,500,000 for the state fiscal year ending August 31, 2012, and \$1,500,000 for the state fiscal year ending August 31, 2013.

Amendment No. 165 was withdrawn.

Amendment No. 164 was withdrawn.

### **Amendment No. 166**

Representative Burnam offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 33

Amend **CSHB 1** in Article I of the bill, following the appropriations to the Comptroller of Public Accounts (page I-18), by adding the following appropriately numbered rider:

\_\_\_\_\_. High Cost Gas Exemption Study. It is the intent of the legislature that the Comptroller of Public Accounts, using funds appropriated by this Act, conduct during the state fiscal year beginning September 1, 2011, a study of the tax exemption or reduction described in Section 201.057, Tax Code, for certain high-cost gas. The study shall include:

(a) an estimate of the loss of revenue for a six-year period including the current fiscal biennium;

(b) an assessment of the intended purpose of the provision and whether the provision is achieving that objective; and

(c) a recommendation for retaining, eliminating, or amending the provision.

It is further the intent of the legislature that the Comptroller report the conclusions of the study to the speaker of the house of representatives and the lieutenant governor not later than December 1, 2012, and include in the report a thorough explanation of each of the comptroller's recommendations and proposed legislation to implement the recommendations of the study.

Amendment No. 166 was adopted. (Phillips recorded voting no.) (The vote was reconsidered later today, and Amendment No. 166 was tabled by Record No. 251.)

**Amendment No. 167**

Representative Alonzo offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 81

Amend **CSHB 1** in Article I by inserting the following rider, appropriately numbered, following the appropriations to the Texas Veterans Commission:

\_\_\_\_\_. Texas Veterans Commission: Veterans Resource Centers. Out of the amount appropriated above out of the general revenue fund in Strategy A.1.3, Veterans Education, it is the intent of the legislature that, to the extent authorized by general law, the commission establish and administer veterans resource centers at institutions of higher education in the state to:

(1) provide a centralized place for veterans to find assistance and information while enrolled at an institution of higher education;

(2) deliver innovative, cost-effective programs to attract veterans and family members of veterans to attend public institutions of higher education;

(3) enable institutions of higher education to create veteran-friendly environments;

(4) encourage veterans to take advantage of government educational programs; and

(5) assist veterans in applying to public institutions of higher education.

Amendment No. 167 was withdrawn.

**Amendment No. 168**

Representative Turner offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 51

Amend **CSHB 1** as follows:

(1) In Article I, in the appropriations for Trusteed Programs Within the Office of the Governor (page I-50, house committee printing):

(A) decrease the appropriation under Strategy A.1.5. (Disability Issues) by \$1.1 million for each fiscal year of the biennium;

(2) In Article II, in the appropriations for the Department of Aging and Disability Services (page II-2, house committee printing) increase the General Revenue appropriation under Strategy A.7.1. (Intermediate Care Facilities-MR) by \$550,000.00 in FY2012 and \$550,000.00 in FY2013.

**Amendment No. 169**

Representative Turner offered the following amendment to Amendment No. 168:

Amend Amendment No. 168 to **CSHB 1** by Turner (prefiled amendment packet, page 51) in Item (1)(A) of the amendment by striking "\$1.1 million for each fiscal year of the biennium;" and substituting "\$1.1 million for the biennium;".

Amendment No. 169 was adopted.

Amendment No. 168, as amended, was adopted.

**Amendment No. 170**

Representative Villarreal offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 31

Amend **CSHB 1** in Article I of the bill, following the appropriations to the Comptroller of Public Accounts (page I-18), by adding the following appropriately numbered rider:

\_\_\_\_\_. Tax Preference Study. It is the intent of the legislature that the Comptroller of Public Accounts, using funds appropriated by this Act:

(1) conduct during the state fiscal year beginning September 1, 2011, a study on each credit, discount, exclusion, exemption, refund, special valuation, special accounting treatment, special rate, or special method of reporting authorized by state law that relates to a state or local tax imposed by this state and:

(A) determine the intended purpose of each tax preference described by this subdivision; and

(B) evaluate:

(i) whether the tax preference accomplishes its intended purpose;

(ii) whether the tax preference is inefficient, ineffective, or unnecessary, or the intended purpose of the tax preference is a low priority for this state; and

(iii) the effect of the tax preference on economic development, the number of high wage jobs, funding for public services, the distribution of the tax burden by income class and industry or business class, and total income by income class by this state;

(2) make recommendations for each tax preference studied regarding:

(A) continuing the tax preference;

(B) amending a provision relating to the tax preference; or

(C) repealing the tax preference; and

(3) report the conclusions of the study to the speaker of the house of representatives and the lieutenant governor not later than December 1, 2012, and include in the report a thorough explanation of each of the comptroller's recommendations and proposed legislation necessary to implement the findings of the study.

**Amendment No. 171**

Representative Villarreal offered the following amendment to Amendment No. 170:

Amend Amendment No. 170 by Villarreal to **CSHB 1** (page 31, prefiled amendment packet) as follows:

(1) On page 1, line 4 of the amendment, strike "Tax Preference Study."

(2) Strike page 1, lines 7-12 of the amendment and substitute:

(1) shall expand the existing Tax Exemptions and Tax Incidence report;

(2) conduct during the state fiscal year beginning September 1, 2011, a study of provisions that reduce the taxes owed by any taxpayer by state law that relates to a state or local education property tax imposed and:".

(3) On page 1, lines 19 and 20, strike "or the intended purpose of the tax preference is a low priority for this state".

(4) On page 1, strike line 26 through page 2, line 8 and substitute:

(3) prioritize tax preferences and complete as many evaluations described by item (1) of this rider as feasible; and

(4) schedule evaluations of the remaining tax preferences to be completed over the following four years.

Amendment No. 171 was adopted.

Amendment No. 170, as amended, was adopted.

#### **Amendment No. 172**

Representative Laubenberg offered the following amendment to **CSHB 1**:  
Floor Packet Page No. 111

Amend **CSHB 1** as follows:

(1) On page II-46 of the bill pattern for the Department of State Health Services, reduce Strategy B.1.3 by \$4,583,575 for fiscal year ending August 31, 2012, and \$4,583,575 for fiscal year ending August 31, 2013.

(2) On page II-46 of the bill pattern for the Department of State Health Services, increase Strategy A.3.4 by \$4,583,575 for fiscal year ending August 31, 2012, and \$4,583,575 for fiscal year ending August 31, 2013.

#### **Amendment No. 173**

Representative Laubenberg offered the following amendment to Amendment No. 172:

Amend Amendment No. 172 to **CSHB 1** by Laubenberg (page 111 of the prefiled amendment packet) by striking item (2) of the amendment and substituting the following:

(2) In the Article appropriations to the Department of Family and Protective Services (page II-34), increase Strategy C.1.1. Star Program, by \$4,583,575 for the fiscal year ending August 31, 2012, and \$4,583,575 for the fiscal year ending August 31, 2013.

Amendment No. 173 was adopted.

#### **Amendment No. 174**

Representative Y. Davis offered the following amendment to Amendment No. 172:

Amend Amendment No. 172 to **CSHB 1** by Laubenberg (prefiled amendments packet, page 111) as follows:

(1) Strike Item (1) of the amendment and substitute the following:

(1) In the appropriations for the Department of State Health Services, strike the appropriations to Strategy B.1.3, Family Planning Services (page II-46), for each of the fiscal years ending August 31, 2012, and August 31, 2013, in their entirety.

(2) Add the following appropriately numbered item to the amendment and renumber subsequent items accordingly:

( ) In the Article II appropriations for the Department of State Health Services, increase the appropriations to the strategies in Goal A, Preparedness and Prevention, by an amount for each of the fiscal years ending August 31, 2012, and August 31, 2013, equal to the difference between the amount of the appropriation for the applicable fiscal year that was struck in Item (1) of this amendment and the amount by which the appropriation for Strategy A.3.4., Children with Special Needs, is increased under Item (2) of this amendment for that state fiscal year, and allocate the increased appropriation amounts equally to the strategies under that goal.

Amendment No. 174 was adopted. (The vote was reconsidered later today, and Amendment No. 174 was withdrawn.)

Amendment No. 172, as amended, was adopted by (Record 250): 113 Yeas, 29 Nays, 2 Present, not voting. (The vote was reconsidered later today, and Amendment No. 172, as amended, was adopted.)

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gooden; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lyne; Madden; Margo; Menendez; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, V.; Thompson; Torres; Truitt; Turner; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Dukes; Dutton; Farias; Farrar; Gallego; Gonzalez; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; Lucio; Marquez; Martineez; Martinez Fischer; McClendon; Miles; Naishtat; Reynolds; Strama; Veasey; Villarreal; Walle.

Present, not voting — Mr. Speaker; Bonnen(C).

Absent, Excused — Allen; Hilderbran.

Absent — Eiland; Mallory Caraway; Taylor, L.; Vo.

### **Amendment No. 166 - Vote Reconsidered**

Representative Otto moved to reconsider the vote by which Amendment No. 166 was adopted.

The motion to reconsider prevailed.

Representative Otto moved to table Amendment No. 166.

The motion to table prevailed by (Record 251): 99 Yeas, 46 Nays, 2 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Gonzales,



L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; Woolley; Workman; Zedler; Zerwas.

Nays — Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle; White.

Present, not voting — Mr. Speaker; Bonnen(C).

Absent, Excused — Allen; Hilderbran.

Absent — Lozano.

#### **Amendment No. 172 - Vote Reconsidered**

Representative Pitts moved to reconsider the vote by which Amendment No. 172, as amended, was adopted.

The motion to reconsider prevailed.

#### **Amendment No. 174 - Vote Reconsidered**

Representative Laubenberg moved to reconsider the vote by which Amendment No. 174 was adopted.

The motion to reconsider prevailed.

Amendment No. 174 was withdrawn.

Amendment No. 172, as amended, was adopted.

(Speaker in the chair)

#### **FIVE-DAY POSTING RULE SUSPENDED**

Representative Hamilton moved to suspend the five-day posting rule and all necessary rules to allow the Committee on Licensing and Administrative Procedures to consider **HB 1822** and **HB 1936** at 8 a.m. Monday, April 4 in E2.030.

The motion prevailed.

#### **COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Licensing and Administrative Procedures, 8 a.m. Monday, April 4, E2.030, for a public hearing, to consider **HB 1822**, **HB 1936**, and the previously scheduled agenda.

## ADJOURNMENT

Representative Lozano moved that the house adjourn until 4 p.m. tomorrow, April 3.

The motion prevailed.

The house accordingly, at 12:39 a.m. Saturday, April 2, adjourned until 4 p.m. tomorrow.

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## APPENDIX

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### STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

#### **March 31**

Business and Industry - **HB 663, HB 1278, HB 1429, HB 1448, HB 1821**

Corrections - **HB 1908, HB 2633**

Criminal Jurisprudence - **HB 115, HB 331, HB 1028, HB 1344, HB 1573, HB 1601, HB 1891**

Economic and Small Business Development - **HB 14, HB 2785**

Higher Education - **HB 743**

Homeland Security and Public Safety - **HB 530, HB 621, HB 750**

Judiciary and Civil Jurisprudence - **HB 417, HB 909**

Land and Resource Management - **SB 18**

Pensions, Investments, and Financial Services - **HB 2193**

State Sovereignty, Select - **HB 32, HB 335, HCR 27, HCR 85**

Transportation - **HB 468**

### ENGROSSED

**March 31 - HB 74, HB 92, HB 200, HB 215, HB 338, HB 361, HB 370, HB 388, HB 422, HB 434, HB 457, HB 549, HB 563, HB 612, HB 613, HB 646, HB 848, HB 850, HB 885, HB 993, HB 1209, HB 1404, HB 1510, HB 1551, HB 1844**

### RECOMMENDATIONS FILED WITH THE SPEAKER

**March 31 - HB 1464, HB 1651, HB 1710, HB 1752, HB 1756, HB 1757, HB 1758, HB 1759, HB 1760, HB 1778, HB 1819, HB 1832, HB 1932, HB 1944, HB 1945, HB 2145, HB 2162, HB 2182, HB 2183, HB 2238, HB 2283, HB 2296, HB 2360, HB 2363, HB 2418, HB 2521, HB 2670, HB 2772, HB 2792, HB 2794, HB 2859, HB 2893, HB 2942, HB 3089, HB 3321, HB 3592, HB 3621, HB 3743, HB 3803, HB 3804, HB 3805, HB 3810, HB 3812, HB 3813, HB 3814, HB 3818, HB 3819**