

# FOR THE RECORD 2011

The 2011 Report of the Texas Legislature 82nd Regular and Special Session

The Business Report Card is in.  
Did your lawmakers make the grade?



TEXAS  
ASSOCIATION OF  
BUSINESS





# Did Your Lawmakers Make the Grade?

## FOR THE RECORD 2011

The Texas Association of Business (TAB) is proud to publish *For the Record 2011*. This publication reflects lawmaker's scorecards for the 82nd Legislative Session.

Our recently released *Results* publication shows you the fight businesses waged during this Legislative Session, a fight made even harder because of the budgetary constraints that the State dealt with and will continue to deal with. As you will see in our *Results* publication there were many victories and in fact TAB's President and CEO Bill Hammond has called the 82nd Session "one of the best business sessions in recent memory."

*For the Record* offers insight into how individual lawmakers voted on the issues critical to businesses, taxpayers and families. While the economy in Texas is starting to look up ever so slightly, there were serious challenges this Legislative Session, and there will be serious challenges during the next Legislative Session as well.

Each session, TAB contacts the Legislature about the bills and issues that impact small and large employers across Texas. TAB takes seriously the charge of holding lawmakers accountable for the way they vote on these issues. *For the Record 2011* is one of the most valuable tools to hold legislators accountable and to ensure that they are addressing the needs of the business community.

When the Legislature adjourns, TAB begins the process of reviewing the votes. While every final passage vote in the House and Senate are record votes, many of the votes leading up to final passage are not. That means that there can be more record votes on bills that are high profile or controversial, and fewer on bills that aren't. The job of TAB is to request and capture record votes taken on bills that provide a snapshot of how members supported business across-the-board.

The 2011 *For the Record* used a total of 35 votes (20 in the House and 15 in the Senate) to score lawmakers. These votes accurately represent the most critical bills that TAB supported or opposed.

Legislators who score 90-100 based on our voting criteria are recognized as Champions for Free Enterprise and legislators scoring 80-89 are noted as Fighters for Free Enterprise. As members may win only one award after each session, TAB will honor the higher of the two scores, either 2011 or the legislator's cumulative score based on their TAB designated pro-business rating during the most recent session and sessions past.

Legislators depend on *For the Record 2011* to reflect their actions during session. Constituents rely on it to know if their lawmakers are doing the job that they were elected to do. The business community counts on *For the Record 2011* to assess which officeholders bring jobs to Texas, promote economic prosperity, and create a thriving workforce as part of their legislative priorities.

TAB is honored to be the voice of Texas business and will continue its long-standing mission to make the Texas business climate the best in the world.

### How to Read the Votes:

- +** Pro-Business Vote
- Vote Against Business
- P** Present Not Voting
- E** Excused
- A** Absent (Unexcused)
- C** Chair

# How did your Senator **VOTE** on Business Issues?

## Champion for Free Enterprise

Scores highlighted in **red** are legislators designated as the Texas Association of Business “Champions for Free Enterprise”. A legislator must score a 90 or above to receive this distinction. Due to the importance of consistently voting to support businesses, this is the highest honor that a legislator can receive from TAB.

## Fighter for Free Enterprise

Scores highlighted in **gold** are legislators designated as the Texas Association of Business “Fighters for Free Enterprise”. A legislator must score an 80 or above to receive this distinction.

### Senate Votes 82nd Regular and Special Session

Senator	Cumulative	2011	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Birdwell	87%	87%	+	+	+	+	-	+	+	+	+	+	+	+	+	+	-
Carona	84%	93%	+	+	+	+	+	+	+	+	+	+	+	+	+	+	-
Davis, Wendy	47%	60%	+	+	-	+	+	-	-	+	-	-	+	-	+	+	+
Deuell	78%	80%	+	+	+	+	-	+	-	+	+	+	+	+	+	+	-
Duncan	79%	80%	+	-	+	+	+	+	-	+	+	+	+	+	+	+	-
Ellis	42%	53%	+	+	-	+	-	-	-	+	-	-	+	-	+	+	+
Eltife	79%	80%	+	+	+	+	-	+	-	+	+	+	+	+	+	+	-
Estes	87%	73%	+	-	+	+	-	+	-	+	+	+	+	+	+	+	-
Fraser	92%	87%	+	-	+	+	+	+	+	+	+	+	+	+	+	+	-
Gallegos	39%	60%	+	+	-	-	+	-	-	+	+	-	+	-	+	+	+
Harris	82%	73%	+	+	+	+	-	+	-	+	-	+	+	+	+	+	-
Hegar	87%	80%	+	+	+	+	-	+	-	+	+	+	+	+	+	+	-
Hinojosa	52%	80%	+	+	+	+	+	-	-	+	+	+	+	-	+	+	+
Huffman	85%	87%	+	+	+	+	-	+	+	+	+	+	+	+	+	+	-
Jackson, Mike	88%	87%	+	+	+	+	-	+	+	+	+	+	+	+	+	+	-
Lucio	51%	71%	+	-	+	+	+	-	-	+	+	-	+	E	+	+	+
Nelson	86%	80%	+	+	+	+	-	+	+	+	-	+	+	+	+	+	-
Nichols	84%	80%	+	+	+	+	-	+	-	+	+	+	+	+	+	+	-
Ogden	75%	67%	+	-	+	+	-	P	-	+	+	+	+	+	+	+	-
Patrick, Dan	82%	73%	+	-	+	+	-	+	+	+	-	+	+	+	+	+	-
Rodriguez	60%	60%	+	+	-	+	-	-	-	+	+	-	+	-	+	+	+
Seliger	82%	73%	+	-	+	+	-	+	-	+	+	+	+	+	+	+	-
Shapiro	86%	87%	+	+	+	+	+	+	-	+	+	+	+	+	+	+	-

## Senate Votes 82nd Regular and Special Session

Senator	Cumulative	2011	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Uresti	57%	80%	+	+	+	+	+	-	-	+	+	+	+	-	+	+	+
Van de Putte	43%	67%	+	+	-	+	+	-	-	+	+	-	+	-	+	+	+
Watson	51%	60%	+	+	-	-	+	-	-	+	+	-	+	-	+	+	+
Wentworth	74%	80%	+	+	+	+	+	+	-	+	+	+	+	-	+	+	-
West	47%	64%	+	+	-	+	-	-	-	+	+	E	+	-	+	+	+
Whitmire	49%	73%	+	+	+	+	+	-	-	+	+	-	+	-	+	+	+
Williams	92%	79%	+	+	+	+	E	+	-	+	-	+	+	+	+	+	-
Zaffirini	43%	60%	+	+	-	+	-	-	-	+	+	-	+	-	+	+	+
Overall Average	68%	74%	100%	77%	74%	94%	43%	58%	23%	100%	81%	70%	100%	60%	100%	100%	39%

## Senate Votes

### 1 Texas Department of Transportation (TxDOT) Sunset – SB 1420

#### *Third Reading and Final Passage*

SB 1420 extended TxDOT for 12 years. The bill included numerous changes in authority to improve management and operations at TxDOT, including issues with significant support within TAB, specifically the approval of \$3 billion in bonding authority for new projects and the extension of specific Comprehensive Development Agreements (CDA) and reform of the CDA procurement process. In addition, the bill appropriately addresses design-build contract procurement, adopts improvements to the transportation planning process and streamlines the process of environmental review of transportation projects.

The vote occurred on third reading and final passage. A vote for SB 1420 was a vote with TAB. SB 1420 passed and was signed by the Governor.

### 2 Railroad Commission Sunset Bill – SB 655 *Amendment #2*

SB 655 was the Railroad Commission Sunset Bill and would have continued the Commission for another 12 years.

Amendment #2 required that contested case hearings at the Railroad Commission be conducted by the State Office of Administrative Hearings (SOAH). TAB is on record as opposing the referral of contested cases at the Railroad Commission to SOAH, not due to any significant shortcomings on the part of SOAH, but based on the firm belief that the subject matter expertise and knowledge of internal policies and rule interpretations on the part of in-house hearings examiners results in a more efficient and objective review process.

The vote occurred on the motion to table Amendment #2. A vote for the motion to table Amendment #2 was a vote with TAB. Amendment #2 failed to adopt and SB 655 died in Conference Committee.

## Senate Votes

### 3 Protection for Compliant Industries from Frivolous Lawsuits – SB 875

#### *Third Reading and Final Passage*

SB 875 extends some protections to industrial operators who are in compliance with state and federal environmental permits from nuisance lawsuits based on presumed damages due to climate change or global warming. A number of such suits have recently been brought by some northeastern states against power companies or by citizen groups against oil and gas companies or other industrial operations claiming that these companies' emissions are causing climate change that has, or that will, result in damages to the plaintiffs' property or livelihoods.

The vote occurred on third reading and final passage. A vote for SB 875 was a vote with TAB. SB 875 passed and was signed by the Governor.

### 4 Permit Requirements for Oil and Gas Facilities – SB 1134

#### *Third Reading and Final Passage*

SB 1134 improves the technical justification and predictability of oil and gas regulation by requiring that the Texas Commission on Environmental Quality meet certain procedural and technical requirements, including a detailed regulatory analysis and air quality monitoring data assessment, before adopting a permit-by-rule or standard permit for certain oil and gas facilities. This type of predictability in permit requirements is essential if Texas is to continue to lead the nation in providing alternatives to imported energy sources.

The vote occurred on third reading and final passage. A vote for SB 1134 was a vote with TAB. SB 875 passed and was signed by the Governor.

### 5 Physician Dispensing – SB 546

#### *Third Reading and Final Passage*

SB 546 would have significantly increased the cost of pharmaceutical drugs by allowing physician dispensing statewide. Research has consistently found that when physicians have a financial interest in a particular auxiliary service, the incentive tends to drive utilization. While over-utilization and safety is a clear worry for employers that provide health care benefits for their employees, a recent study on this issue also found that physician dispensing can lead to higher costs; increased incentives for physicians to over-prescribe; increased incentives for physicians to prescribe "what's on the shelf" rather than the best drug available; limited patient information; and reduced safety checks.

The vote occurred on third reading and final passage. A vote against SB 546 was a vote with TAB. SB 546 bill passed the Senate, but died in the House.

### 6 Budget Bill – SB 1 (First Called Special Session)

#### *Amendment #5 to Amendment #1*

SB 1 addresses fiscal matters of the State. Amendment #1 was offered as a complete substitute for the bill. Amendment #5 to Amendment #1 would have repealed the production tax exemption for certain high cost natural gas. This tax exemption is key to ensuring the continued exploration and development of natural gas in Texas.

The vote occurred on the motion to table amendment #5 to amendment #1. A vote to table Amendment #5 was a vote with TAB. The motion prevailed. SB 1 passed and was signed by the Governor.

## Senate Votes

### **7 Budget Bill – SB 1811**

#### *Amendment #3 to Amendment #2*

SB 1811 was the fiscal matters bill which included many tax-related and budget balancing measures. Amendment #3 to Amendment #2 would have deleted a change related to the prepayment of franchise taxes.

Amendment #3 to Amendment #2 would have eliminated the early collection of the franchise tax on large business as originally proposed.

The vote occurred on the motion to table Amendment #3. A vote against the motion was a vote with TAB. The motion failed. SB 1811 died on the House Floor with a sustained point of order.

### **8 Developmental Education – SB 1564**

#### *Third Reading and Final Passage*

SB 1564 would have brought long-overdue reforms to developmental education programs for students in our institutions of higher education. Reform is necessary to help increase the number of students who obtain certificates or degrees, as well as increasing efficiency at our institutions of higher education.

The vote occurred on third reading and final passage. A vote for SB 1564 was a vote with TAB. SB 1564 passed the Senate, but died in the House.

### **9 Reforming the Texas Grant Program – SB 28** *Passage to Third Reading*

SB 28 brought necessary and overdue reforms to the State's largest college grant program, the TEXAS Grant program. Currently, these grants are distributed on a first-come, first-serve basis. The grants will now be awarded based on a model giving students who have met a specific basic criteria priority to the grants. TAB estimates that this change should nearly double the graduation rates of TEXAS Grant recipients, while also maximizing taxpayer dollars. The legislation does contain measures to ensure that the ethnic make-up of recipients and various institutions is not diminished.

The vote occurred on passage to third reading. A vote for SB 28 was a vote with TAB. SB 28 passed and was signed by the Governor.

### **10 Medicaid Medical Care – SB 7** **(First Called Special Session)** *Motion to Adopt the Conference Committee Report*

SB 7 expands Medicaid Managed Care to the Rio Grande Valley. TAB thoroughly supports the increase in access to quality health care for Texans. The expansion of Medicaid Managed Care will further these goals and all at a cost savings to the State.

The vote occurred on the motion to adopt the Conference Committee Report. A vote for the motion to adopt was a vote with TAB. SB 7 passed and was signed by the Governor.

### **11 Pre-Injury Waivers – SB 1714** *Motion to Concur*

SB 1714 clarifies that pre-injury waivers are prohibited from being used with an employee who elected not to participate in an employer's workers' compensation insurance plan. A recent decision by the 5th Circuit Court of Appeals determined that a 2001 law applied only to employers that do not offer workers' compensation. Therefore, an employer that offers both types of plans could include a pre-injury waiver in the company-managed plan. While the court decision is logical when considering the letter of the 2001 law, the spirit of the law was to preclude the use of these waivers for employees who are not covered by the State's workers' compensation insurance.

The vote occurred on the motion to concur. A vote for the motion was a vote with TAB. SB 1714 passed and was signed by the Governor.

# Senate Votes

## **12 Texas Windstorm Insurance Association – HB 3 (First Called Special Session) *Motion to Adopt the Conference Committee Report***

HB 3 made some improvements to the Texas Windstorm Insurance Association (TWIA). TAB believes that Texas needs a TWIA structure that provides protection for coastal citizens while encouraging more inland market competition and investment. Texas needs a more predictable regulatory environment for the broader insurance marketplace.

The vote occurred on the motion to adopt the Conference Committee Report. A vote for the motion to adopt was a vote with TAB. HB 3 passed and was signed by the Governor.

## **13 Texas Commission on Environmental Quality (TCEQ) Sunset – HB 2694 *Motion to Adopt the Conference Committee Report***

HB 2694 continues TCEQ for another 12 years. The legislation accomplished many goals that will be beneficial to the regulated community. At the same time, the bill generally avoided significant provisions that would have been detrimental and which are too frequently included in Sunset legislation. While the maximum administrative penalty for an enforcement violation was increased from \$10,000 to \$25,000, other provisions of the bill significantly improve the use of compliance history in agency permitting and enforcement decisions, and clarify TCEQ’s authority in making decisions on water allocation in drought emergencies. The bill also includes provisions that will streamline and improve the contested case hearing process.

The vote occurred on the motion to adopt the Conference Committee Report. A vote for the motion to adopt the Conference Committee Report was a vote with TAB. HB 2694 passed and was signed by the Governor.

## **14 Division of Workers’ Compensation (DWC) Sunset – HB 2605 *Motion to Adopt the Conference Committee Report***

HB 2605 extends the Division of Workers Compensation for 12 years. The bill was kept clean of amendments, except for those that were technical or corrective in nature. While there was one amendment of concern to employers, it was stripped out of the bill in Conference Committee.

The vote occurred on the motion to adopt the conference committee report. A vote for the motion to adopt was a vote with TAB. HB 2605 passed and was signed by the Governor.

## **15 Collection of Excess Fees By Regulatory Agencies – SB 1588 *Amendment #4***

SB 1588 relates to funds and accounts in the State treasury. Amendment #4 attempted to address a key budget and finance issue for businesses subject to state agency regulatory authority. Currently fees are set at levels that far exceed the actual costs to the State that are imposed by businesses. Amendment #4 would have required that when fund balances for regulatory fees exceed 200% of what is appropriated, the Comptroller will cease collecting the fee. The provision had a future effective date of August 31, 2015 so that any cost savings to businesses would have no effect on balancing the budget for this biennium (FY 2012-2013).

The vote occurred on the motion to table the Amendment #4. A vote against the motion to table was a vote with TAB. Amendment #4 was tabled. SB 1588 bill passed and was signed by the Governor.

# How did your Representative **VOTE** on Business Issues?

## Champion for Free Enterprise

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### House Votes *82nd Regular and Special Session*

	AVG	2011	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Mr. Speaker, Straus	As Speaker, he did not vote																					
Aliseda	90%	90%	+	+	+	+	+	+	+	+	-	+	+	+	+	+	+	-	+	+	+	+
Allen	35%	33%	-	+	-	-	-	+	-	+	-	-	E	-	-	-	-	E	-	+	+	+
Alonzo	33%	30%	-	+	-	-	-	+	-	+	-	-	-	-	-	-	-	-	-	+	+	+
Alvarado	35%	30%	-	+	-	-	-	+	-	+	-	-	-	-	-	-	-	-	-	+	+	+
Anchia	37%	37%	+	+	-	-	-	+	-	+	-	-	-	-	-	-	E	-	-	+	+	+
Anderson C	86%	80%	+	-	+	+	-	+	+	+	-	+	+	+	+	+	+	-	+	+	+	+
Anderson R	89%	89%	+	+	+	+	E	+	+	+	-	+	+	+	+	+	+	-	+	+	+	+
Aycock	93%	89%	+	+	+	+	C	+	+	+	-	+	+	+	+	+	+	-	+	+	+	+
Beck	90%	90%	+	+	+	+	+	+	+	+	-	+	+	+	+	+	+	-	+	+	+	+
Berman	94%	84%	+	-	+	+	-	+	+	+	-	+	+	+	+	+	+	+	+	+	+	C
Bohac	79%	72%	+	A	E	+	-	+	+	+	-	+	+	C	A	+	+	-	+	+	+	+
Bonnen	86%	82%	C	C	+	+	E	+	+	+	-	P	+	+	+	+	+	-	+	+	+	+
Branch	87%	90%	+	+	+	+	+	+	+	+	-	+	+	+	+	+	+	-	+	+	+	+
Brown, Fred	82%	84%	+	+	+	+	-	+	+	+	E	+	+	+	+	+	-	-	+	+	+	+
Burkett	90%	90%	+	+	+	+	+	+	+	+	-	+	+	+	+	+	+	-	+	+	+	+
Burnam	27%	30%	-	+	-	-	-	+	-	+	-	-	-	-	-	-	-	-	-	+	+	+
Button	91%	90%	+	+	+	+	+	+	+	+	-	+	+	+	+	+	+	-	+	+	+	+
Cain	85%	85%	+	-	+	+	+	+	+	+	-	+	+	+	+	+	+	-	+	+	+	+
Callegari	86%	90%	+	+	+	+	+	+	+	+	-	+	+	+	+	+	+	-	+	+	+	+
Carter	90%	90%	+	+	+	+	+	+	+	+	-	+	+	+	-	+	+	+	+	+	+	+
Castro	33%	32%	+	+	-	-	-	+	-	+	-	-	-	-	-	-	-	-	-	+	E	+
Chisum	88%	85%	+	+	+	+	+	+	+	+	-	+	+	P	+	+	+	-	+	+	+	+

**House Votes 82nd Regular and Special Session**

	AVG	2011	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Christian	92%	89%	+	+	+	+	+	+	+	+	-	+	E	+	+	+	+	E	+	A	+	+
Coleman	29%	41%	-	+	E	-	-	+	E	+	A	E	+	-	-	A	-	-	-	+	+	+
Cook	88%	84%	+	+	+	+	-	+	+	+	-	E	+	+	+	+	+	-	+	+	+	+
Craddick	84%	85%	+	+	+	+	A	+	+	+	-	+	+	+	+	+	+	-	+	+	+	+
Creighton	90%	85%	+	A	+	+	+	+	+	+	-	+	+	+	+	+	+	-	+	+	+	+
Crownover	90%	90%	+	+	+	+	+	+	+	+	-	+	+	+	+	+	+	-	+	+	+	+
Darby	91%	89%	+	+	C	+	+	+	+	+	-	+	+	+	+	+	+	-	+	+	+	+
Davis, John	88%	80%	+	+	+	+	-	+	+	+	-	+	+	+	-	+	+	-	+	+	+	+
Davis, Sarah	85%	85%	+	+	+	+	+	+	+	+	-	+	+	+	-	+	+	-	+	+	+	+
Davis, Yvonne	25%	30%	-	+	-	-	-	+	-	+	-	-	-	-	-	-	-	A	-	+	+	+
Deshotel	40%	30%	-	+	-	-	-	+	-	+	-	-	A	-	-	-	-	-	-	+	+	+
Driver	91%	84%	+	+	+	+	-	+	+	+	-	+	+	+	+	+	E	-	+	+	+	+
Dukes	36%	30%	-	+	-	-	-	+	-	+	-	-	-	-	-	-	-	-	-	+	+	+
Dutton	32%	30%	-	+	-	-	-	+	-	+	-	-	-	-	-	-	-	-	-	+	+	+
Eiland	46%	45%	+	+	-	-	-	+	-	+	A	-	+	-	-	+	-	-	-	+	+	+
Eissler	88%	85%	+	+	+	+	-	+	+	+	-	+	+	+	+	+	+	-	+	+	+	+
Elkins	87%	90%	+	+	+	+	+	+	+	+	-	+	+	+	+	+	+	-	+	+	+	+
Farias	37%	35%	+	+	-	-	-	+	-	+	-	-	-	-	-	A	-	-	-	+	+	+
Farrar	27%	33%	-	+	E	-	-	+	-	+	-	-	-	-	-	E	-	-	-	+	+	+
Fletcher	88%	85%	+	+	+	+	-	+	+	+	-	+	+	+	+	+	+	-	+	+	+	+
Flynn	94%	89%	+	-	E	+	+	+	+	+	-	+	+	+	+	E	+	+	+	+	+	+
Fruzzo	90%	90%	+	+	+	+	+	+	+	+	-	+	+	+	+	+	+	-	+	+	+	+
Gallego	35%	42%	+	+	-	-	-	+	-	+	-	-	-	+	-	-	-	-	E	+	+	+
Garza	79%	79%	+	A	E	+	+	+	+	+	-	+	+	+	-	+	+	-	+	+	+	+
Geren	81%	89%	+	+	+	+	+	+	+	+	-	E	+	+	+	+	+	-	+	+	+	+
Giddings	36%	32%	-	+	E	-	-	+	-	+	-	-	-	-	-	A	-	-	-	+	+	+
Gonzales, Larry	89%	89%	+	+	+	+	E	+	+	+	-	E	+	+	+	+	+	-	+	+	+	+
Gonzales, Veronica	41%	35%	+	+	-	-	-	+	-	+	-	-	-	-	-	-	-	-	-	+	+	+
Gonzalez, Naomi	35%	35%	+	+	-	-	-	+	-	+	-	-	-	A	-	-	-	-	-	+	+	+
Gooden	85%	85%	+	+	+	+	+	+	+	+	-	+	+	+	-	+	+	-	+	+	+	+
Guillen	45%	55%	-	+	A	-	+	+	-	+	-	-	+	+	+	-	-	-	+	+	+	+
Gutierrez	31%	26%	-	E	-	-	-	+	-	+	-	-	-	-	-	A	-	-	-	+	+	+
Hamilton	74%	80%	+	+	-	+	-	+	+	+	-	+	+	+	+	+	+	-	+	+	+	+

## House Votes 82nd Regular and Special Session

	AVG	2011	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	
Hancock	92%	90%	+	+	+	+	+	+	+	+	-	+	+	+	+	+	+	-	+	+	+	+	
Hardcastle	82%	80%	+	+	+	+	-	+	+	+	-	+	+	+	-	+	+	-	+	+	+	+	
Harless	88%	90%	+	+	+	+	+	+	+	+	-	+	+	+	+	+	+	-	+	+	+	+	
Harper-Brown	90%	89%	+	+	+	+	E	+	+	+	-	+	+	+	+	+	+	-	+	+	+	C	
Hartnett	86%	80%	+	+	+	+	-	+	P	+	-	+	+	+	-	+	+	+	+	+	+	+	
Hernandez Lunz	40%	37%	+	+	-	-	-	+	-	+	-	-	-	-	A	E	-	-	-	-	+	+	+
Hilderbran	85%	80%	+	+	+	+	-	+	+	+	-	+	+	+	-	+	+	-	+	+	+	+	
Hochberg	34%	30%	-	+	-	-	-	+	-	+	-	-	-	-	-	-	-	-	-	-	+	+	+
Hopson	61%	88%	+	+	E	+	E	+	+	E	-	+	+	+	+	+	+	-	+	+	E	+	
Howard, Charlie	90%	85%	+	+	+	+	-	+	+	+	-	+	+	+	+	+	+	-	+	+	+	+	
Howard, Donna	48%	45%	+	+	+	-	-	+	-	+	-	+	-	-	-	-	-	-	-	-	+	+	+
Huberty	85%	85%	+	+	+	+	-	+	+	+	-	+	+	+	+	+	+	-	+	+	+	+	
Hughes	73%	70%	+	-	+	+	-	+	-	+	-	+	+	+	-	+	+	-	+	+	+	+	
Hunter	82%	85%	+	+	+	+	-	+	+	+	-	+	+	+	+	+	+	-	+	+	+	+	
Isaac	85%	85%	+	+	+	+	+	+	+	+	-	+	+	+	-	+	+	-	+	+	+	+	
Jackson, Jim	88%	90%	+	+	+	+	+	+	+	+	-	+	+	+	+	+	+	-	+	+	+	+	
Johnson	39%	39%	+	+	-	-	-	+	-	+	-	-	E	-	-	-	-	E	-	+	+	+	
Keffer	82%	83%	+	A	+	C	+	+	+	C	-	+	+	+	+	+	+	-	+	+	+	+	
King, Phil	85%	90%	+	+	+	+	+	+	+	+	-	+	+	+	+	+	+	-	+	+	+	+	
King, Susan	84%	90%	+	+	+	+	+	+	+	+	-	+	+	+	+	+	+	-	+	+	+	+	
King, Tracy	56%	53%	-	+	A	-	-	+	-	E	-	+	+	+	A	+	-	-	+	+	+	+	
Kleinschmidt	84%	85%	+	+	+	+	-	+	+	+	-	+	+	+	+	+	+	-	+	+	+	+	
Kolkhorst	87%	90%	+	+	+	+	+	+	+	+	-	+	+	+	+	+	+	-	+	+	+	+	
Kuempel	77%	85%	+	+	+	+	+	+	+	+	-	+	+	+	-	+	+	-	+	+	+	+	
Landtroop	85%	85%	+	+	+	+	+	+	+	+	-	+	+	+	-	+	+	-	+	+	+	+	
Larson	85%	85%	+	+	+	+	+	+	+	+	-	+	+	+	-	+	+	-	+	+	+	+	
Laubenberg	87%	85%	+	+	+	+	+	+	+	+	-	-	+	+	+	+	+	-	+	+	+	+	
Lavender	85%	85%	+	+	+	+	+	+	+	+	-	+	+	+	-	+	+	A	+	+	+	+	
Legler	95%	90%	+	+	+	+	+	+	+	+	-	+	+	+	+	+	+	-	+	+	+	+	
Lewis	88%	85%	+	+	+	+	+	+	+	+	-	+	+	+	+	+	+	-	+	A	+	+	
Lozano	50%	50%	+	+	-	-	-	+	-	+	-	-	+	+	-	A	-	-	+	+	+	+	
Lucio III	48%	37%	+	+	-	-	-	+	-	+	-	-	-	-	-	-	E	-	-	+	+	+	
Lyne	85%	85%	+	+	+	+	+	+	+	+	-	+	+	+	-	+	+	-	+	+	+	+	

**House Votes 82nd Regular and Special Session**

	AVG	2011	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Madden	86%	75%	+	A	+	+	-	+	+	+	-	+	+	+	-	+	+	-	+	+	+	+
Mallory Caraway	40%	39%	-	+	-	-	-	+	-	+	-	+	E	-	-	-	E	-	-	+	+	+
Margo	85%	85%	+	+	+	+	+	+	+	+	-	+	+	+	-	+	+	-	+	+	+	+
Marquez	45%	35%	+	+	-	-	-	+	-	+	C	-	-	-	-	-	-	-	C	+	+	E
Martinez	40%	45%	+	+	-	-	-	+	-	+	-	-	+	-	-	-	-	-	+	+	+	+
Martinez Fischer	30%	26%	-	+	-	-	-	+	-	E	-	-	-	-	-	-	-	-	-	+	+	+
McClendon	33%	32%	-	+	-	-	E	+	-	+	-	-	-	-	-	-	-	-	-	+	+	+
Menendez	41%	40%	+	+	-	-	-	+	-	+	-	-	+	-	-	A	-	-	-	+	+	+
Miles	41%	35%	-	+	-	-	-	+	-	+	-	P	+	-	-	-	-	-	-	+	+	+
Miller, Doug	91%	90%	+	+	+	+	+	+	+	+	-	+	+	+	+	+	+	-	+	+	+	+
Miller, Sid	86%	80%	+	-	+	+	-	+	+	+	-	+	+	+	+	+	+	-	+	+	+	+
Morrison	87%	89%	+	+	+	+	+	+	+	E	-	+	+	+	+	+	+	-	+	+	+	+
Munoz	50%	50%	+	+	-	-	-	+	-	+	-	-	+	-	-	+	-	-	+	+	+	+
Murphy	85%	90%	+	+	+	+	+	+	+	+	-	+	+	+	+	+	+	-	+	+	+	+
Naishtat	30%	30%	+	+	-	-	-	+	-	+	-	-	-	-	-	-	-	-	-	A	+	+
Nash	85%	85%	+	+	+	+	+	+	+	+	-	+	+	+	-	+	+	-	+	+	+	+
Oliveira	39%	26%	+	+	-	-	-	+	-	A	-	-	-	-	-	-	-	-	-	+	+	E
Orr	89%	90%	+	+	+	+	+	+	+	+	-	+	+	+	+	+	+	-	+	+	+	+
Otto	87%	89%	+	E	+	+	+	+	+	+	-	+	+	+	+	+	+	-	+	+	+	+
Parker	90%	85%	+	+	+	+	+	+	+	+	-	+	+	+	-	+	+	-	+	+	+	+
Patrick, Diane	94%	90%	+	+	+	+	+	+	+	+	-	+	+	+	+	+	+	-	+	+	+	+
Paxton	90%	75%	+	-	+	+	+	+	+	+	-	-	+	+	-	+	+	-	+	+	+	+
Pena	51%	72%	-	+	-	A	+	+	+	+	-	+	E	+	-	+	+	E	+	+	+	+
Perry	90%	90%	+	+	+	+	+	+	+	+	-	+	+	+	+	+	+	-	+	+	+	+
Phillips	84%	90%	+	+	+	+	+	+	+	+	-	+	+	+	+	+	+	-	+	+	+	+
Pickett	48%	53%	+	+	A	A	-	+	-	+	-	+	+	+	-	A	-	-	E	+	+	+
Pitts	83%	89%	+	+	+	+	E	+	+	+	-	+	+	+	+	+	+	-	+	+	+	+
Price	85%	85%	+	+	+	+	+	+	+	+	-	+	+	+	-	+	+	-	+	+	+	+
Quintanilla	43%	50%	+	+	-	-	-	+	-	+	-	-	+	-	-	+	-	-	+	+	+	+
Raymond	37%	45%	+	+	-	-	-	+	-	+	-	-	+	-	-	-	-	-	+	+	+	+
Reynolds	30%	30%	-	+	-	-	-	+	-	+	-	-	P	-	-	-	-	-	-	+	+	+
Riddle	85%	90%	+	+	+	+	+	+	+	+	-	+	+	+	+	+	+	-	+	+	+	+
Ritter	63%	84%	+	+	+	+	+	C	+	+	-	+	+	+	-	+	+	-	+	+	+	+

## House Votes 82nd Regular and Special Session

	AVG	2011	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Rodriguez	30%	35%	+	+	-	-	A	+	-	+	-	-	-	-	-	-	-	-	-	+	+	+
Schwertner	84%	84%	+	+	+	+	+	+	+	+	-	E	+	+	-	+	+	-	+	+	+	+
Scott	90%	90%	+	+	+	+	+	+	+	+	-	+	+	+	+	+	+	-	+	+	+	+
Sheets	85%	85%	+	+	+	+	+	+	+	+	-	+	+	+	-	+	+	-	+	+	+	+
Sheffield	88%	85%	+	A	+	+	+	+	+	+	-	+	+	+	+	+	+	-	+	+	+	+
Shelton	91%	90%	+	+	+	+	+	+	+	+	-	+	+	+	+	+	+	-	+	+	+	+
Simpson	75%	75%	+	+	+	-	+	+	+	+	-	+	+	+	-	+	+	-	+	-	+	+
Smith, Todd	83%	90%	+	+	+	+	+	+	+	+	-	+	+	+	-	+	+	+	+	+	+	+
Smith, Wayne	86%	85%	+	+	+	+	-	+	+	+	-	+	+	+	+	+	+	-	+	+	+	+
Smithee	84%	80%	+	+	+	+	-	+	+	+	-	+	+	+	-	+	+	-	+	+	+	+
Solomons	80%	80%	+	+	+	+	+	+	P	+	-	+	+	+	-	+	+	-	+	+	+	+
Strama	57%	40%	+	+	-	-	-	+	-	+	-	-	+	-	-	-	-	-	-	+	+	+
Taylor, Larry	90%	90%	+	+	+	+	+	+	+	+	-	+	+	+	+	+	+	-	+	+	+	+
Taylor, Van	79%	79%	+	-	+	+	+	+	+	+	-	-	+	+	+	+	E	-	+	+	+	+
Thompson	30%	32%	-	+	-	-	-	+	-	+	-	-	-	-	-	-	-	-	E	+	+	+
Torres	85%	85%	+	+	+	+	+	+	+	+	-	+	+	+	-	+	+	-	+	+	+	+
Truitt	81%	79%	+	+	+	+	A	+	+	E	-	+	+	+	-	+	+	-	+	+	+	+
Turner, Sylvester	32%	30%	-	+	-	-	-	+	-	+	-	-	-	-	-	A	-	-	-	+	+	+
Veasey	34%	21%	-	E	-	-	-	+	-	+	-	-	-	-	-	-	-	-	-	+	+	A
Villarreal	44%	40%	+	+	-	-	-	+	-	+	A	-	+	-	-	-	-	-	-	+	+	+
Vo	43%	40%	+	+	-	-	-	+	-	+	-	-	+	-	-	-	-	-	-	+	+	+
Walle	33%	30%	-	+	-	-	-	+	-	+	-	-	-	-	-	A	-	-	-	+	+	+
Weber	86%	80%	+	+	+	+	-	+	+	+	-	+	+	+	-	+	+	-	+	+	+	+
White	80%	80%	+	-	+	+	+	+	+	+	-	+	+	+	-	+	+	-	+	+	+	+
Woolley	91%	89%	+	+	+	+	+	+	+	+	-	+	+	+	+	E	+	-	+	E	+	+
Workman	85%	85%	+	+	+	+	+	+	+	+	-	+	+	+	-	+	+	-	+	+	+	+
Zedler	83%	85%	+	-	+	+	+	+	+	+	-	+	+	+	+	+	+	-	+	+	+	+
Zerwas	78%	85%	+	+	+	+	-	+	+	+	-	+	+	+	+	+	+	-	+	+	+	+
150	70%	69%	83%	89%	67%	66%	48%	100%	66%	99%	0%	67%	78%	70%	44%	70%	67%	3%	74%	97%	100%	99%

## House Votes

### **1 Reforming the TEXAS Grant Program – SB 28** *Passage to Third Reading*

SB 28 brought necessary and overdue reforms to the State's largest college grant program, the TEXAS Grant program. Currently, these grants are distributed on a first-come, first-serve basis. The grants will now be awarded based on a model giving students who have met a specific criteria, priority to the grants. TAB estimates that this change should nearly double the graduation rates of TEXAS Grant recipients, while also maximizing taxpayer dollars. The legislation does contain measures to ensure that the ethnic make-up of recipients and various institutions is not diminished.

The vote occurred on passage to third reading. A vote for SB 28 was a vote with TAB. SB 28 passed and was signed by the Governor.

### **2 Developmental Education Reforms – HB 1244** *Third Reading and Final Passage*

HB 1244 brought long-overdue reforms to developmental education (remedial courses) for students in our institutions of higher education. First, the bill directs the Texas Higher Education Coordinating Board to develop a single standard for measuring student readiness, as demonstrated by the most current research. Further, the bill requires institutions to offer student coursework and instructional support that integrates technology to efficiently address developmental needs. The greatest victory achieved in this legislation is that it allows students to take developmental education courses that are counted towards their certificates or degrees.

The vote occurred on third reading and final passage. A vote for HB 1244 was a vote with TAB. HB 1244 passed and was signed by the Governor.

### **3 Class Size in Schools – HB 400** *Amendment #21*

HB 400 sought to give school districts greater flexibility in regards to their personnel and management in order to better meet the unique needs of their students and community.

Amendment #21 would have decreased the number of students allowed in a classroom, adding further demands on school districts and strikingly contrary to the purpose of the bill.

The vote occurred on the motion to table Amendment #21. A motion to table Amendment #21 was a vote with TAB. The amendment failed. HB 400 later died on the House Floor.

### **4 Budget Bill – SB 1811** *Amendment #41*

SB 1811 was the fiscal matters bill. While the bill included many tax-related items, Amendment #41 specifically would have created a study as a means to end the margins tax exemption for smaller businesses.

The vote occurred on the motion to adopt Amendment #41. A vote against the motion was a vote with TAB. The motion failed. SB 1811 died on the House Floor with sustained point of order.

### **5 Gun in Parking Lots – SB 321** *Amendment #4*

SB 321 prohibits companies from establishing policies to prevent employees from transporting or storing legal firearms in their vehicles in company parking areas.

Amendment #4 secured stronger liability language to help protect employers from liability for any incidents arising from this mandate.

The vote occurred on the motion to table Amendment #4. A vote against the motion to table was a vote with TAB. The motion was adopted. SB 321 passed and was signed by the Governor.

## House Votes

### **6** Division of Workers' Compensation Sunset – HB 2605 *Motion to Adopt the Conference Committee Report*

HB 2605 extends the Division of Workers' Compensation for 12 years. The bill was kept clean of amendments, except for those that were technical or corrective in nature. While there was one amendment of concern to employers, it was stripped out of the bill in Conference Committee.

The vote occurred on the motion to adopt the Conference Committee Report. A vote for the motion to adopt was a vote with TAB. HB 2605 passed and was signed by the Governor.

### **7** Lawsuit Reform – HB 274

#### *Third Reading and Final Passage*

HB 274 requires the Texas Supreme Court to promulgate rules providing for the early dismissal of meritless actions and expedited claims under \$100,000; provides a mechanism for interlocutory appeals for controlling questions of law; and the bill fixes the statute dealing with the designation of responsible third parties.

The vote occurred on third reading and final passage. A vote for HB 274 was a vote with TAB. HB 274 passed and was signed by the Governor.

### **8** Corporate Practice of Medicine – SB 894 *Third Reading and Final Passage*

SB 894 allows some hospitals to directly employ physicians, dentists and other health care providers. Due to the fact that the quality, cost and accessibility of health care services provided to Texans has, for many years, been among the most important policy issues for TAB, this bill is a huge win for Texans because it increases access to quality, health care.

The vote occurred on third reading and final passage. A vote for SB 894 was a vote with TAB. SB 894 passed and was signed by the Governor.

### **9** Contracts between Dentists and Insurers – SB 554 *Third Reading and Final Passage*

SB 554 will have a negative and direct impact on the quality of the health insurance products that employers are able to offer their employees by prohibiting insurers from contracting for non-covered services with dentists.

Currently, some dental services are only partially covered or not covered at all in insurance policies in order to keep premiums reasonable for employers so that they can continue to provide benefits to their employees. For this reason, when an insurance carrier enters into a contract with a dental care provider, it is common for the dental plan to negotiate fee discounts, not only for covered services, but also for non-covered services. These discounts are made available to the employees enrolled in the plan as part of their overall dental benefits. The provider (in this case, the dentist) is still receiving the benefit of steerage and volume of clientele, as well as the benefit of being in the carrier's network. Prohibiting such arrangements hurts employees who will be forced to pay the provider's FULL billed charges without the benefit of the discount negotiated on their behalf by their employer's dental plan.

The vote occurred on third reading and final passage. A vote against SB 554 was a vote with TAB. SB 554 passed and was signed by the Governor.

# House Votes

## **10 Texas Department of Insurance Sunset – HB 1951** *Passage to Third Reading*

HB 1951 continues the Texas Department of Insurance (TDI) for another 12 years. The main victories with the bill were found in the fact that the bill avoided many bad amendments, such as implementing a prior-approval regulatory structure and electing a State Insurance Commissioner. TAB has always supported a free-market regulatory structure and the appointment of an Insurance Commissioner.

The vote occurred on the passage to third reading. A vote for HB 1951 was vote with TAB. HB 1951 passed and was signed by the Governor.

## **11 Analysis of Texas Commission of Environmental Quality Rules – HB 125** *Passage to Third Reading*

HB 125 would have significantly improved the rulemaking process at the Texas Commission on Environmental Quality by requiring a more comprehensive and detailed analysis of the costs and benefits of proposed rules, as well as the consideration of alternatives that might achieve the desired result in terms of environmental protection, but more efficiently and less costly.

The vote occurred on the passage to third reading. A vote for HB 125 was a vote with TAB. HB 125 passed the House, but was never set for consideration by the full Senate.

## **12 Railroad Commission Sunset Bill – SB 655** *Amendment #34*

SB 655 was the Railroad Commission Sunset Bill and would have continued the Commission for another 12 years.

Amendment #34 was itself amended, before a vote was called, to add provisions to the Tax Code which would have potentially resulted in the loss of the exemption for high-cost gas exploration and production which provides a significant market incentive for the current natural gas activity in Texas. The expanding exploration and production of natural gas from shale formations in Texas is an increasingly costly and highly technical endeavor due to more stringent environmental and public safety requirements, highly innovative and expensive hydrofracturing production techniques, costs of water and water disposal or treatment, and limitations on well locations in developed areas that demand directional drilling and other more costly solutions to extraction.

The vote occurred on the motion to table the amendment (as amended). A vote for the motion to table the amendment was a vote with TAB. The motion to table passed, but SB 655 eventually died in Conference Committee.

## **13 Protection for Compliant Industries from Frivolous Lawsuits – SB 875** *Amendment #5*

SB 875 extends some protections to industrial operators who are in compliance with state and federal environmental permits from nuisance lawsuits based on presumed damages due to climate change or global warming. A number of such suits have recently been brought by some northeastern states against power companies or by citizen groups against oil and gas companies or other industrial operations claiming that these companies' emissions are causing climate change that has, or that will, result in damages to the plaintiffs' property or livelihoods.

## House Votes

Amendment #5 was offered during third reading with the purpose of deleting an amendment that was added on second reading. The amendment additionally establishes that a rebuttable presumption exists that a regulated facility is not liable for damages from offsite emissions if that facility is in compliance with all permits or other authorizations issued by the State or federal government. The amendment still provided a claimant the opportunity to pursue damages if there is evidence that a facility knowingly withheld or misrepresented information regarding compliance.

The vote occurred on the motion to adopt Amendment #5. A vote against the motion to adopt Amendment #5 was vote with TAB. The amendment failed and SB 875 eventually passed and was signed by the Governor.

### **14 Permit Requirements for Oil and Gas Facilities – SB 1134** *Amendment #21*

SB 1134 improves the technical justification and predictability of oil and gas regulation by requiring that the Texas Commission on Environmental Quality meet certain procedural and technical requirements, including a detailed regulatory analysis and air quality monitoring data assessment, before adopting a permit-by-rule or standard permit for certain oil and gas facilities. This type of predictability in permit requirements is essential if Texas is to continue to lead the nation in providing alternatives to imported energy sources.

Amendment #21 would have added an unnecessary condition to SB 1134 that would preclude application of the bill in cases where a permit proposed by TCEQ would cause the State to be in noncompliance with the Federal Clean Air Act. Compliance with the Clean Air Act, and any implementation plan approved under the Act, is always required by the State and any authorization issued by the State, thus the amendment was unnecessary.

The vote occurred on the motion to table Amendment #21. A vote to table the amendment was a vote with TAB. The motion to table prevailed. SB 1134 passed and was signed by the Governor.

### **15 Medicaid Managed Care – SB 7 (First Called Special Session)** *Motion to Adopt the Conference Committee Report*

SB 7 expands Medicaid Managed Care to the Rio Grande Valley. TAB thoroughly supports the increase in access to, and quality of health care for Texans. The expansion of Medicaid Managed Care will further these goals and all at a cost savings to the State.

The vote occurred on the motion to adopt the Conference Committee Report for SB 7. A vote for the motion to adopt was a vote with TAB. SB 7 passed and was signed by the Governor.

### **16 School Accountability Measures – HB 500** *Third Reading and Final Passage*

HB 500 would have repealed accountability measures and standards that were adopted unanimously by the Texas Legislature two years ago in HB 3. Current standards have students graduating from high school career or college ready, with emphasis on English, math, and science. The bill would have undermined the standards currently in place by lowering the number of required courses necessary to graduate from high school, as well as reducing the weight that end-of-course exams would have on students' final grades. At a time when over half of our students who enter high school fail to graduate, the bill would have inadequately prepared students who do graduate to enter the workforce or an institution of higher learning.

The vote occurred on third reading and final passage. A vote against the HB 500 was a vote with TAB. HB 500 passed the House, but died in the Senate.

## House Votes

### **17 Texas Commission on Environmental Quality (TCEQ) Sunset – HB 2694**

#### *Passage to Third Reading*

HB 2694 continues TCEQ for another 12 years. The legislation accomplished many goals that will be beneficial to the regulated community. At the same time, the bill generally avoided significant provisions that would have been detrimental and which are too frequently included in Sunset legislation. While the maximum administrative penalty for an enforcement violation was increased from \$10,000 to \$25,000, other provisions of the bill significantly improve the use of compliance history in agency permitting and enforcement decisions, and the bill clarify TCEQ's authority in making decisions on water allocation in drought emergencies. The bill also includes provisions that will streamline and improve the contested case hearing process.

The vote occurred on the passage to third reading. A vote for HB 2694 was a vote with TAB. HB 2694 passed and was signed by the Governor.

### **18 Office of the Injured Employee Counsel (OIEC) Sunset – HB 1774**

#### *Third Reading and Final Passage*

HB 1774 continues OIEC for another 12 years. This legislation is a victory because of the efforts to limit the legislation to the function of the office rather than to make policy changes. A key win for business is that the legislation restricts OIEC's access to injured employee files to protect employee privacy and to permit access only to the files that directly pertain to an OIEC client. Prior to HB 1774, the statute permitted OIEC to access all workers'

compensation claim files, which unfairly exceeded the access granted to other parties to Division of Workers Compensation. Such unlimited access creates the appearance of impropriety and unfairness on what is supposed to be a level playing field. In comparable regulatory arenas, public counsel offices do not have any greater access to information than other interested parties.

The vote occurred on third reading and final passage. A vote for HB 1774 was a vote with TAB. HB 1774 passed and was signed by the Governor.

### **19 Exclusive Provider Organizations – HB 1772** *Third Reading and Final Passage*

HB 1770 allows insurers to offer exclusive provider organization products in Texas. The bill ensures that small and mid-size employers have access to the same flexibility that large, self-insured employers have today.

The vote occurred on third reading and final passage. A vote for HB 1772 was a vote with TAB. HB 1772 passed and was signed by the Governor.

### **20 Severance Pay and Unemployment Benefits – HB 14** *Third Reading and Final Passage*

HB 14 disqualifies claimants for receiving unemployment benefits for the period covered by the severance pay. This bill will ensure that claimants are not double dipping.

The vote occurred on third reading and final passage. HB 14 passed and was signed by the Governor.

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