



# THE RECORD

The 2015 Report of the Texas Legislature  
*84<sup>th</sup> Regular Session*



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



TEXAS  
ASSOCIATION OF  
BUSINESS

THE TEXAS STATE CHAMBER

# DID YOUR LAWMAKERS MAKE THE GRADE?

## FOR THE RECORD 2015

*For the Record 2015* reflects lawmakers' overall scorecard for business for the 84<sup>th</sup> Legislative Session. Overall, the session was a win for business with tax cuts topping the chart as a key victory.

Every session, TAB contacts the Legislature about the bills and issues that impact small and large employers across Texas. *For the Record 2015* is a valuable tool to hold legislators accountable and ensure they are addressing the needs of the business community.

For a bill to be used on the TAB voting record, we make sure our stance was communicated through one or more of the following ways. TAB produced and delivered to legislators and their staff our priorities while also meeting face-to-face when possible on issues. In addition, TAB wrote letters on specific bills and provided oral and/or written testimony or registered its position in committee hearings. As an added benefit to legislators, TAB produced a floor report that was electronically delivered to legislative offices every morning that indicated TAB's positions on each bill of interest on the calendar for that specific day. Offices also were given electronic access to all TAB memos and letters on issues as well as specific bills.

Legislators who score 90-100 on our voting record are recognized as Champions for Free Enterprise and legislators scoring 80-89 are noted as Fighters for Free Enterprise. TAB's scorecard includes a specific score of the session as well a cumulative grade that spans over their career as a state lawmaker. TAB honors the higher of either score.

The business community counts on *For the Record 2015* to assess which officeholders bring jobs to Texas, promote economic prosperity, and create a thriving workforce as a part of their legislative priorities.

## HOW DID YOUR LEGISLATOR 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. This is the highest honor that a lawmaker 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 80-89 to receive this distinction.

### How to Read the Votes:

+	Pro-Business Vote
-	Vote Against Business
E	Excused Absence
A	Absent (Unexcused)
C	Chair
FR	Freshman Legislator

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

## House Votes

	AVG	2015	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
Mr. Speaker, Straus			As speaker, he does not typically vote.																
Allen	39%	35%	-	+	+	-	+	-	-	-	-	-	+	-	-	+	+	-	-
Alonzo	39%	44%	+	+	+	+	-	-	-	-	-	-	+	-	-	+	+	E	-
Alvarado	46%	47%	+	+	+	+	+	-	-	-	-	-	+	-	-	+	+	-	-
Anchia	40%	33%	-	+	+	-	-	A	-	E	-	-	+	-	-	+	+	-	E
Anderson, C.	90%	94%	+	+	+	+	+	+	+	+	+	+	E	+	-	+	+	+	+
Anderson, R.	92%	94%	+	-	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+
Ashby	100%	100%	+	+	+	+	+	E	+	+	+	+	+	+	+	+	+	+	+
Aycock	93%	100%	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+
Bell	91%	82%	+	+	+	+	+	+	+	+	+	+	-	+	+	-	+	-	+
Bernal	FR	35%	-	+	+	-	+	-	-	-	-	-	+	-	-	+	+	-	-
Blanco	FR	29%	-	+	+	-	-	-	-	-	-	-	+	-	-	+	+	-	-
Bohac	83%	100%	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+
Bonnen, D.	87%	93%	+	+	C	+	+	+	+	+	+	+	-	C	+	+	+	+	+
Bonnen, G.	94%	94%	+	+	+	+	+	+	+	+	+	+	-	+	+	+	+	+	+
Burkett	94%	100%	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+
Burns	FR	88%	+	-	+	+	+	+	+	+	+	+	-	E	+	+	+	+	+
Burrows	FR	88%	+	-	-	+	+	+	+	+	+	+	+	+	+	+	+	+	+
Button	92%	94%	+	+	+	+	+	+	+	+	+	+	-	+	+	+	+	+	+
Canales	43%	36%	-	+	+	E	-	-	-	-	-	E	+	-	-	+	+	E	-
Capriglione	87%	94%	+	+	+	+	+	+	+	+	+	+	+	-	+	+	+	+	+
Clardy	90%	80%	+	+	+	E	+	A	+	+	+	+	+	-	-	+	+	E	+
Coleman	33%	41%	+	+	+	-	+	-	-	-	-	-	+	-	-	+	+	-	-
Collier	38%	29%	-	+	+	-	-	-	-	-	-	-	+	-	-	+	+	-	-
Cook	88%	94%	+	+	+	+	+	-	+	+	+	+	+	+	+	+	+	E	+
Craddick	87%	88%	+	+	+	+	+	+	+	+	+	+	+	-	-	+	+	+	+
Crownover	91%	100%	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+
Cyrier	FR	94%	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	-	+
Dale	94%	94%	+	+	+	+	+	+	+	E	+	+	-	+	+	+	+	+	+
Darby	92%	100%	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+
Davis, S.	82%	75%	+	+	+	+	+	+	-	+	+	-	+	-	-	+	+	E	+
Davis, Y.	30%	35%	-	+	+	-	+	-	-	-	-	-	+	-	-	+	+	-	-
Deshotel	48%	65%	+	+	+	+	+	-	-	-	-	+	+	-	+	+	+	+	A

## House Votes

	AVG	2015	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
Dukes	35%	17%	E	+	+	A	-	E	E	E	E	A	A	A	A	A	A	A	A
Dutton	35%	41%	-	+	+	+	+	-	-	-	-	+	-	-	-	+	+	-	A
Elkins	89%	100%	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+
Faircloth	FR	100%	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+
Fallon	84%	88%	+	+	-	+	+	+	+	+	+	+	+	+	+	-	+	+	+
Farias	39%	35%	-	+	+	-	+	-	-	-	-	-	+	-	-	+	+	-	-
Farney	91%	88%	+	+	+	+	+	+	+	+	+	+	+	A	-	+	+	+	+
Farrar	31%	29%	-	+	+	-	-	-	A	-	-	-	+	-	-	+	+	-	-
Fletcher	93%	94%	+	+	+	+	+	+	-	+	+	+	+	+	+	+	+	+	+
Flynn	95%	100%	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	E
Frank	97%	94%	+	-	+	+	+	+	+	+	+	+	+	+	+	E	+	+	+
Frullo	90%	88%	+	+	+	+	+	+	+	+	+	+	+	-	-	+	+	+	+
Galindo	FR	94%	+	+	+	+	+	+	+	+	+	+	+	-	+	+	+	+	+
Geren	83%	94%	+	+	+	+	+	+	-	+	+	+	+	+	+	+	+	+	+
Giddings	40%	31%	-	+	+	-	-	-	-	-	-	-	+	-	-	+	+	E	-
Goldman	81%	88%	+	+	+	+	+	+	+	+	+	+	-	+	+	-	+	+	+
Gonzales	92%	94%	+	+	+	+	+	+	+	E	+	+	+	+	-	+	+	+	+
González	36%	24%	-	A	+	-	-	-	-	-	-	-	+	-	-	+	+	-	-
Guerra	63%	47%	+	+	+	+	+	-	-	-	-	-	+	-	-	+	+	-	-
Guillen	53%	59%	+	+	+	A	+	-	A	-	-	+	+	-	+	+	+	+	-
Gutierrez	35%	29%	-	A	+	-	-	-	-	-	-	+	+	-	-	+	+	-	-
Harless	88%	88%	+	+	+	+	+	+	-	+	+	+	+	+	-	+	+	+	+
Hernandez	43%	41%	-	+	+	+	+	-	-	-	-	-	+	-	-	+	+	-	-
Herrero	41%	36%	+	A	+	-	E	-	-	-	-	-	+	-	E	+	E	+	-
Howard	48%	29%	-	+	+	-	-	-	-	-	-	-	+	-	-	+	+	-	-
Huberty	88%	93%	+	+	+	+	+	-	+	+	+	+	+	E	+	+	+	E	+
Hughes	78%	94%	+	-	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+
Hunter	82%	88%	+	+	+	+	+	A	+	+	+	+	-	+	+	+	+	E	+
Isaac	89%	94%	+	+	+	+	+	+	+	+	+	+	+	-	+	+	+	+	+
Israel	FR	29%	-	+	+	-	-	-	-	-	-	-	+	-	-	+	+	-	-
Johnson	50%	50%	+	+	+	-	-	-	-	-	-	+	+	E	-	+	+	E	E
Kacal	84%	88%	+	+	+	+	+	+	+	+	+	+	+	-	-	E	+	+	+
Keffer	83%	82%	+	+	+	+	+	-	-	+	+	+	-	+	+	+	+	+	+
Keough	FR	82%	+	+	+	+	+	+	+	+	+	+	-	-	+	-	+	+	+

## House Votes

	AVG	2015	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
King, K.	88%	88%	+	+	+	+	+	-	+	+	+	+	+	-	+	+	+	E	+
King, P.	88%	94%	+	-	+	+	+	+	+	+	+	+	+	+	E	+	+	+	+
King, S.	85%	81%	+	+	E	+	+	+	+	+	+	+	+	-	-	+	+	+	-
King, T.	60%	53%	+	-	+	+	+	-	A	-	-	+	+	-	-	+	+	+	-
Klick	75%	76%	+	-	-	+	+	+	A	+	+	+	+	+	+	+	+	A	+
Koop	FR	100%	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+
Krause	75%	76%	+	-	-	+	+	+	+	+	+	+	-	+	+	-	+	+	+
Kuempel	86%	93%	+	+	+	+	+	C	+	+	C	+	-	+	+	+	+	+	+
Landgraf	FR	88%	+	-	+	+	+	+	+	+	+	+	+	-	+	+	+	+	+
Larson	89%	88%	+	+	+	+	+	+	+	+	+	+	+	-	-	+	+	E	+
Laubenberg	89%	94%	+	+	+	+	+	+	+	+	+	+	-	+	+	+	+	+	+
Leach	91%	82%	+	+	-	+	+	+	+	+	+	+	-	+	+	-	+	+	+
Longoria	71%	56%	+	+	+	+	+	-	-	-	-	+	+	-	-	+	+	E	-
Lozano	68%	76%	+	+	+	+	+	A	-	-	+	+	+	-	+	+	+	+	+
Lucio III	54%	50%	+	E	+	+	+	-	-	-	-	-	+	-	-	+	+	E	E
Márquez	55%	53%	+	+	+	+	+	-	-	-	-	-	+	-	A	+	+	-	+
Martinez	43%	41%	-	+	+	-	+	-	-	-	-	-	+	-	-	+	+	+	-
Martinez Fischer	34%	35%	-	+	+	-	-	-	-	-	-	+	+	-	-	+	+	-	-
McClendon	40%	56%	E	+	+	+	-	A	-	+	-	+	+	A	-	+	+	+	-
Metcalf	FR	82%	+	+	+	+	+	+	+	+	+	+	-	-	+	+	+	-	+
Meyer	FR	100%	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+
Miles	41%	25%	-	A	+	-	E	-	-	-	-	-	+	-	-	+	+	-	-
Miller, D.	91%	94%	+	+	+	+	+	+	+	+	+	+	-	+	+	+	+	+	+
Miller, R.	94%	100%	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+
Minjarez	FR	36%	-	*	*	*	*	-	-	-	-	*	+	*	-	+	+	+	-
Moody	43%	29%	-	+	+	-	-	-	-	-	-	-	+	-	-	+	+	-	-
Morrison	88%	94%	+	+	+	+	+	+	+	+	+	+	+	-	+	+	+	+	+
Muñoz	59%	47%	-	+	+	+	+	-	-	-	-	-	+	E	-	+	+	E	-
Murphy	90%	88%	+	+	+	+	+	-	+	+	+	+	+	-	+	+	+	+	+
Murr	FR	82%	+	-	+	+	+	+	+	+	+	+	-	+	+	+	+	-	+
Naishtat	34%	29%	-	+	+	-	-	-	-	-	-	-	+	-	-	+	+	-	-
Nevárez	47%	44%	+	+	+	-	+	-	-	-	-	E	+	-	-	+	+	-	-
Oliveira	43%	53%	+	+	+	+	+	-	-	-	-	A	+	-	-	+	+	+	-
Otto	90%	100%	+	+	+	+	+	E	+	+	E	+	+	+	+	+	+	+	+

\*Rep. Minjarez was not sworn into office when these votes were taken.

## House Votes

	AVG	2015	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
Paddie	94%	94%	+	+	+	+	+	+	+	+	+	+	+	+	-	+	+	+	+
Parker	89%	82%	+	+	+	+	-	+	+	+	+	+	A	-	+	+	+	+	+
Paul	FR	94%	+	+	-	+	+	+	+	+	+	+	+	+	+	+	+	+	+
Peña	FR	93%	+	+	+	+	+	+	+	+	+	+	+	+	+	E	+	A	E
Phelan	FR	88%	+	+	+	+	+	+	+	+	+	+	-	-	+	+	+	+	+
Phillips	85%	82%	+	+	+	+	+	A	+	+	+	+	+	+	-	+	A	+	+
Pickett	52%	53%	+	+	+	+	+	-	-	-	-	+	+	-	-	+	+	-	-
Price	88%	86%	+	+	+	+	E	+	+	+	+	+	+	-	-	E	+	E	+
Raney	91%	88%	+	+	+	+	+	+	-	+	+	+	+	-	+	+	+	+	+
Raymond	45%	47%	+	+	+	+	+	-	-	-	-	-	+	-	-	+	+	-	-
Reynolds	42%	36%	-	+	+	+	-	-	-	-	-	-	+	-	E	E	+	-	E
Riddle	84%	75%	+	+	-	+	+	A	+	+	+	-	+	+	+	-	+	E	+
Rinaldi	FR	76%	+	-	-	+	+	+	+	+	+	+	+	+	+	-	-	+	+
Rodriguez, E.	33%	29%	-	+	+	-	-	-	-	-	-	-	+	-	-	+	+	-	-
Rodriguez, J.	38%	29%	-	+	+	-	-	-	-	-	-	-	+	-	-	+	+	-	-
Romero	FR	41%	-	+	+	-	+	-	-	-	-	-	+	-	+	+	+	-	-
Rose	51%	41%	-	+	+	+	+	-	-	-	-	-	+	-	-	+	+	-	-
Sanford	88%	88%	+	+	+	+	+	+	+	+	+	+	-	+	+	+	+	-	+
Schaefer	78%	76%	+	-	-	+	+	+	+	A	+	+	+	+	+	-	+	+	+
Schofield	FR	100%	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+
Schubert	FR	100%	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+
Shaheen	FR	76%	+	-	-	+	+	+	+	+	+	+	-	+	+	-	+	+	+
Sheets	93%	100%	+	+	+	+	+	+	C	+	+	+	+	+	+	+	C	+	+
Sheffield	81%	82%	+	+	+	+	+	+	-	-	+	+	+	-	+	+	+	+	+
Simmons	84%	88%	+	+	+	+	+	+	+	+	+	+	C	-	+	+	A	+	+
Simpson	60%	59%	-	-	-	+	+	-	+	+	+	+	+	+	-	-	-	+	+
Smith	88%	94%	+	+	+	+	+	+	+	+	+	-	+	E	+	+	+	+	+
Smithee	86%	94%	+	+	+	+	+	+	+	+	+	+	+	+	-	+	+	E	+
Spitzer	FR	75%	+	-	-	+	+	+	+	+	+	+	-	+	+	-	+	E	+
Springer	88%	88%	+	+	+	+	+	+	+	+	+	+	-	+	+	-	+	+	+
Stephenson	85%	82%	+	+	+	+	+	A	+	+	+	+	+	-	-	+	+	+	+
Stickland	71%	71%	+	-	-	+	+	+	+	+	+	+	-	+	+	-	-	+	+
Thompson, E.	85%	82%	+	+	+	+	+	+	A	+	+	+	-	+	+	+	A	+	+
Thompson, S.	34%	41%	-	+	+	+	+	-	-	-	-	-	+	-	-	+	+	-	-

House Votes

	AVG	2015	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
Tinderholt	FR	76%	+	-	-	+	+	+	+	+	+	+	+	+	+	-	-	+	+
Turner, C.	45%	31%	-	+	+	-	-	-	-	-	-	-	+	-	-	+	+	E	-
Turner, S.	75%	76%	+	-	-	+	+	+	+	+	+	+	-	+	+	-	+	+	+
Turner, Syl.	35%	25%	-	+	+	-	-	A	A	-	-	-	+	-	-	E	+	-	-
VanDeaver	FR	94%	+	+	+	+	+	+	+	-	+	+	+	E	+	+	+	+	+
Villalba	88%	88%	+	+	+	+	+	+	-	+	+	+	-	+	+	+	+	+	+
Vo	47%	38%	-	+	E	+	+	-	-	-	-	-	+	-	-	+	+	-	-
Walle	38%	29%	-	-	+	-	+	-	-	-	-	-	+	-	-	+	+	-	-
White, J.	87%	94%	+	-	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+
White, M.	FR	82%	+	-	-	+	+	+	+	+	+	+	+	+	+	+	-	+	+
Workman	89%	94%	+	+	+	+	+	+	+	+	+	+	+	-	+	+	+	E	+
Wray	FR	88%	+	+	+	+	+	+	+	+	+	+	+	-	-	+	+	+	+
Wu	52%	47%	+	+	+	+	+	-	-	-	-	-	+	-	-	+	+	-	-
Zedler	81%	82%	+	+	-	+	+	+	+	+	+	+	-	+	+	-	+	+	+
Zerwas	83%	88%	+	+	+	+	+	+	+	+	+	+	+	-	-	+	+	+	+

# HOUSE VOTES

**1** Fiscally Responsible Budget - HB 1  
*Motion to Adopt the Conference Committee Report*

HB 1, the 2015 General Appropriations Bill, sets the state budget for fiscal years 2016-2017. While meeting the needs of the state, it holds the line on spending enough to pay for a business tax cut and a small increase in the homestead exemption, provide more money for transportation, and stop diversions away from transportation to fund basic state services like the Department of Public Safety.

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 1 passed and was signed by the Governor.

**2** Fiscally Responsible Budget – HB 1  
*Motion to Table Amendment #37*

HB 1, the 2015 General Appropriations Bill, sets the state budget for fiscal years 2016-2017. Amendment #37 eliminated the appropriations for the Texas Enterprise Fund. The Texas Enterprise Fund is the state’s economic development incentive program and helps to recruit new businesses to Texas, thus creating high-wage jobs for Texans.

The vote occurred on the motion to table Amendment #37. A vote for the motion to table was a vote with TAB. The motion prevailed. HB 1 passed and was signed by the Governor.

## HOUSE VOTES

### 3 High Quality Pre-K - HB 4

#### *Third Reading and Final Passage*

HB 4 encourages high quality Pre-K and includes more funding (\$130 million over two years) for Pre-K programs that meet certain teacher quality and curriculum requirements.

The vote occurred on third reading and final passage. A vote for HB 4 was a vote with TAB. HB 4 passed and was signed by the Governor.

### 4 Business Tax Cut - HB 32

#### *Third Reading and Final Passage*

For every business paying the franchise tax, this bill reduces the franchise tax rate by 25 percent. This is a tax cut that will greatly help those businesses paying the tax and will help drive more economic development in Texas that will benefit all businesses.

The vote occurred on third reading and final passage. A vote for HB 32 was a vote with TAB. HB 32 passed and was signed by the Governor.

### 5 Affirming State Regulation of Oil and Gas Operations - HB 40

#### *Third Reading and Final Passage*

Rational development of our oil and gas resources and the preservation of private property mineral rights are essential if the oil and gas industry is to continue to drive economic strength in Texas, generate critical state tax revenues, and strengthen our national energy security. While it is appropriate for local governments to exercise ordinance making authority to regulate land uses and public convenience and safety, it is inconsistent with statewide regulation vested with the Railroad Commission for every local government to attempt to regulate subsurface activities of the oil and gas industry or to use ordinances to make exploration and development economically impossible. HB 40 draws an appropriate distinction between the authority of local governments and the Texas Railroad Commission in terms of regulation of oil and gas exploration and development.

The vote occurred on third reading and final passage. A vote for HB 40 was a vote with TAB. HB 40 passed and was signed by the Governor.

### 6 Unlawful Employment Practices - HB 187

#### *Passage to Third Reading*

This bill would have extended the current statute of limitations for unlawful employment discrimination from six months to five years from the initial occurrence or six months from the discovery of the action. This would have created a never-ending statute of limitations, making it difficult for an employer to provide best evidence in a case.

The vote occurred on passage to third reading. A vote against HB 187 was a vote with TAB. The vote failed on passage to third reading. Although there was a motion to reconsider and be spread across the Journal, the bill was never reconsidered.

### 7 Telemarketing - HB 411

#### *Third Reading and Final Passage*

This bill would have denied credit access companies from telemarketing existing customers if they were on the no call list. While the bill initially failed on passage to third reading, it was reconsidered in the House with an amendment that gave credit access companies the ability to telemarket with specific time limits in which a customer could only be contacted while under contract within a year of the contract ending.

The vote occurred on third reading and final passage. A vote against HB 411 was a vote with TAB. HB 411 passed the House but died in the Senate.

### 8 Consumer Directed Health Plans - HB 966

#### *Third Reading and Final Passage*

This bill allows state employees to participate in a high-deductible health plan with a health savings account. The bill gives consumers control of their health care expenses and increases consumer options.

The vote occurred on third reading and final passage. A vote for HB 966 was a vote with TAB. HB 966 passed and was signed by the Governor.

## HOUSE VOTES

### 9 Right to Work – HB 996

#### *Passage to Third Reading*

This bill would have ensured that public works contracts were awarded based on who could deliver the best product at the most competitive price regardless of their collective bargaining status. The bill still would have allowed the state to offer the contract to a unionized contractor who could provide the best deal, but the state could not show a preference during the bidding process.

The vote occurred on passage to third reading. A vote for HB 996 was a vote with TAB. The bill passed the House but died in the Senate.

### 10 Recovery of Local Environmental Enforcement Penalties - HB 1794

#### *Third Reading and Final Passage*

HB 1794 clarifies the extent to which local governments can jointly participate in environmental enforcement actions under the authority of the TCEQ. State law provides that local governments can initiate suits for environmental violations in the same manner as TCEQ, but some jurisdictions have presumed that they are not required to follow TCEQ enforcement regulations and policies in initiating enforcement and assessing penalties. HB 1794 does not limit the ability of local governments to initiate enforcement or seek to address damages and remediation. It does, however, limit the ability of local governments to recover penalties in cases already subject to TCEQ authority and prevents the assessment of penalties by local governments that would far exceed those assessed by the state.

The vote occurred on third reading and final passage. A vote for HB 1794 was a vote with TAB. HB 1794 passed and was signed by the Governor.

### 11 Decriminalization of Truancy – HB 2398

#### *Motion to Adopt the Conference Committee Report*

This bill's original intent was to authorize a judicial trust fund for schoolchildren in need of essential school items such as clothing and backpacks. In the Senate, an amendment was added to do away with the Class C misdemeanor of "Failure to Attend School" that saddled students with fines up to \$500 and a criminal record that could lead to their arrest and incarceration if the fine remained outstanding when the students turned 17. Texas was only one of two states that criminalized truancy. The conference committee report retained this crucial Senate amendment.

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

### 12 Health Insurance Mandate - HB 2505

#### *Passage to Third Reading*

This bill would have added another mandate to the long list of insurance mandates required by law. Mandates can dramatically increase health care costs, which are then passed down by the health insurance carriers to businesses through increased insurance premiums.

The vote occurred on passage to third reading. A vote against HB 2505 was a vote with TAB. HB 2505 passed the House but died in the Senate.

## HOUSE VOTES

### 13 A-F Campus Grading System - HB 2804

#### *Motion to Adopt Amendment #4*

HB 2804 makes various changes to the accountability system including assigning campuses in each school district a performance rating of A, B, C, D, or F. Amendment #4 removed the A-F provision from the bill. TAB opposed the removal because A-F is a proven tool in improving the quality of education.

The vote occurred on the motion to adopt Amendment #4. A vote against the motion to adopt Amendment #4 was a vote with TAB. The amendment failed, and HB 2804 passed and was signed by the Governor.

### 14 Transfer of the Prescription Monitoring Program – SB 195

#### *Third Reading and Final Passage*

This bill moves the Prescription Monitoring Program from the Texas Department of Public Safety to the State Board of Pharmacies where critical changes will be made to make it a valuable tool in curbing prescription drug abuse. Nationally, prescription drug abuse kills more people than car wrecks and is now considered by the Center for Disease Control to be a national epidemic. Drug abuse costs are estimated to cost employers \$62 billion annually through lost time, low productivity, and more frequent injuries.

The vote occurred on third reading and final passage. A vote for SB 195 was a vote with TAB. The bill passed and was signed by the Governor.

### 15 Freestanding ER Transparency - SB 425

#### *Third Reading and Final Passage*

This bill requires increased price transparency from freestanding ERs. Freestanding ERs look very similar to urgent care facilities, and customers who choose them can end up facing large and unexpected medical bills. Surprise medical bills not only create financial insecurity for the consumer but drive up health care costs to the employer.

The vote occurred on third reading and final passage. A vote for SB 425 was a vote with TAB. SB 425 passed and was signed by the Governor.

### 16 Reform of Environmental Permitting Contested Case Process - SB 709

#### *Third Reading and Final Passage*

This bill addresses a number of problems in Texas' process for reviewing and approving environmental permits. It will help make Texas more competitive with states that are attracting business investments in some part based on a more predictable and timely permitting process. SB 709 affirms recent binding court decisions related to the discretion of the TCEQ commissioners in granting requests for contested case hearings to protest permits and ensures that challenges to permits are based on current statutory and regulatory authority. The bill also requires that challenges address disputed issues of fact and that protestants raise their concerns early in the public participation process. The bill also establishes a more certain and predictable time frame for completion of a contested case hearing.

The vote occurred on third reading and final passage. A vote for SB 709 was a vote with TAB. SB 709 passed and was signed by the Governor.

### 17 Tort Reform – Exemplary Damages - SB 735

#### *Third Reading and Final Passage*

This bill provides that the financial condition or net worth of a party is not relevant for the purposes of supporting a claim for, or the amount of, exemplary damages, and, therefore, is not discoverable or admissible as evidence. SB 735 protects the discovery information of small business owners and protects jobs.

The vote occurred on third reading and final passage. A vote for SB 735 was a vote with TAB. SB 735 passed and was signed by the Governor.

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

## Senate Votes

	AVG	2015	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Bettencourt	FR	100%	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+
Birdwell	92%	100%	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+
Burton	FR	87%	-	-	+	+	+	+	+	+	+	+	+	+	+	+	+
Campbell	88%	93%	+	+	+	+	+	+	+	+	+	+	-	+	+	+	+
Creighton	89%	87%	-	-	+	+	+	+	+	+	+	+	+	+	+	+	+
Ellis	44%	36%	+	+	-	-	-	-	E	-	+	+	+	-	-	-	-
Eltife	84%	93%	+	+	+	+	+	+	+	+	+	+	+	-	+	+	+
Estes	91%	100%	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+
Fraser	92%	93%	-	+	+	+	+	+	+	+	+	+	+	+	+	+	+
Garcia	52%	40%	+	+	-	-	-	+	-	-	+	+	+	-	-	-	-
Hall	FR	80%	-	-	+	+	+	+	+	+	+	-	+	+	+	+	+
Hancock	94%	100%	+	+	E	+	+	+	+	+	+	+	+	+	+	+	+
Hinojosa	59%	67%	+	+	+	+	-	+	+	-	+	+	+	+	-	-	-
Huffines	FR	87%	-	-	+	+	+	+	+	+	+	+	+	+	+	+	+
Huffman	93%	100%	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+
Kolkhorst	88%	100%	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+
Lucio	58%	79%	+	+	+	+	-	-	+	E	+	+	+	+	+	-	+
Menéndez	45%	47%	+	+	-	-	-	+	+	-	+	+	+	-	-	-	-
Nelson	89%	93%	+	+	+	-	+	+	+	+	+	+	+	+	+	+	+
Nichols	87%	93%	+	+	+	+	+	+	+	+	+	+	-	+	+	+	+
Perry	90%	100%	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+
Rodríguez	52%	33%	+	+	-	-	-	-	-	-	+	+	+	-	-	-	-
Schwertner	88%	93%	+	+	+	+	+	+	+	+	+	+	-	+	+	+	+
Seliger	83%	100%	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+
Taylor, L.	93%	100%	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+
Taylor, V.	82%	87%	-	-	+	+	+	+	+	+	+	+	+	+	+	+	+
Uresti	63%	60%	+	+	+	+	-	-	+	-	+	+	+	+	-	-	-
Watson	51%	40%	+	+	-	-	-	+	-	-	+	+	+	-	-	-	-
West	50%	47%	+	+	+	-	-	+	-	-	+	+	+	-	-	-	-
Whitmire	54%	47%	+	+	-	+	-	+	-	-	+	+	+	-	-	-	-
Zaffirini	47%	53%	+	+	+	+	-	+	-	-	+	+	+	-	-	-	-

# SENATE VOTES

## 1 High Quality Pre-K - HB 4

### *Third Reading and Final Passage*

HB 4 encourages high quality Pre-K and includes more funding (\$130 million over two years) for Pre-K programs that meet certain teacher quality and curriculum requirements.

The vote occurred on third reading and final passage. A vote for HB 4 was a vote with TAB. HB 4 passed and was signed by the Governor.

## 2 Texas Emission Reduction Plan (TERP) – HB 14

### *Third Reading and Final Passage*

Given the pending adoption of more stringent federal ozone air quality standards by the EPA, it was important to extend the expiration date of TERP to 2023, make certain improvements to TERP, and increase the efficiency of program administration. The bill would have merged some programs, for incentives for natural gas vehicles and expanded grants for natural gas fueling infrastructure. Additional counties would have been added as eligible areas for TERP grant programs, and oil and gas production, storage, and transmission activities would have been made eligible for emission reduction incentives. The TERP account has a significant balance, and new ozone standards will require that those financial resources be put to use appropriately.

The vote occurred on third reading and final passage. A vote for HB 14 was a vote with TAB. HB 14 died when the House refused to concur with Senate amendments.

## 3 Business Tax Cut - HB 32

### *Third Reading and Final Passage*

For every business paying the franchise tax, this bill reduces the franchise tax rate by 25 percent. This is a tax cut that will greatly help those businesses paying the tax and will help drive more economic development in Texas that will benefit all businesses.

The vote occurred on third reading and final passage. A vote for HB 32 was a vote with TAB. HB 32 passed and was signed by the Governor.

## 4 Affirming State Regulation of Oil and Gas Operations - HB 40

### *Third Reading and Final Passage*

Rational development of our oil and gas resources and the preservation of private property mineral rights are essential if the oil and gas industry is to continue to drive economic strength in Texas, generate critical state tax revenues, and strengthen our national energy security. While it is appropriate for local governments to exercise ordinance making authority to regulate land uses and public convenience and safety, it is inconsistent with statewide regulation vested with the Railroad Commission for every local government to attempt to regulate subsurface activities of the oil and gas industry or to use ordinances to make exploration and development economically impossible. HB 40 draws an appropriate distinction between the authority of local governments and the Texas Railroad Commission in terms of regulation of oil and gas exploration and development.

The vote occurred on third reading and final passage. A vote for HB 40 was a vote with TAB. HB 40 passed and was signed by the Governor.

## 5 Consumer Directed Health Plans - HB 966

### *Third Reading and Final Passage*

This bill allows state employees to participate in a high-deductible health plan with a health savings account. The bill gives consumers control of their health care expenses and increases consumer options.

The vote occurred on third reading and final passage. A vote for HB 966 was a vote with TAB. HB 966 passed and was signed by the Governor.

# SENATE VOTES

## 6 Tort Reform – Forum Non Conveniens – HB 1692

### *Third Reading and Final Passage*

This bill reforms the doctrine of forum non conveniens, which says that a trial court may dismiss a lawsuit if another court is a more appropriate forum to hear the case. Under Texas law, a court may not dismiss a case under the rule if the plaintiff is a Texas resident. A loophole in the statute allowed plaintiffs to bring foreign claims to our courts. HB 1692 assures that only direct plaintiffs who are bona fide Texas residents can invoke the residency exception to keep their cases in Texas courts so that our taxpayer-funded courts are not abused.

The vote occurred on third reading and final passage. A vote for HB 1692 was a vote with TAB. HB 1692 passed and was signed by the Governor.

## 7 Recovery of Local Environmental Enforcement Penalties - HB 1794

### *Third Reading and Final Passage*

HB 1794 clarifies the extent to which local governments can jointly participate in environmental enforcement actions under the authority of the TCEQ. State law provides that local governments can initiate suits for environmental violations in the same manner as TCEQ, but some jurisdictions have presumed that they are not required to follow TCEQ enforcement regulations and policies in initiating enforcement and assessing penalties. HB 1794 does not limit the ability of local governments to initiate enforcement or seek to address damages and remediation. It does, however, limit the ability of local governments to recover penalties in cases already subject to TCEQ authority and prevents the assessment of penalties by local governments that would far exceed those assessed by the state.

The vote occurred on third reading and final passage. A vote for HB 1794 was a vote with TAB. HB 1794 passed and was signed by the Governor.

## 8 A-F Campus Grading System - SB 6

### *Third Reading and Final Passage*

This bill would have assigned campuses in each school district a performance rating of A, B, C, D, or F. An A-F grading system is a proven tool in improving the quality of education.

The vote occurred on third reading and final passage. A vote for SB 6 was a vote with TAB. SB 6 passed the Senate but died in the House. However, a version of the A-F provision passed in HB 2804, which was signed by the Governor.

## 9 Transfer of the Prescription Monitoring Program – SB 195

### *Third Reading and Final Passage*

This bill moves the Prescription Monitoring Program from the Texas Department of Public Safety to the State Board of Pharmacies where critical changes will be made to make it a valuable tool in curbing prescription drug abuse. Nationally, prescription drug abuse kills more people than car wrecks and is now considered by the Center for Disease Control to be a national epidemic. Drug abuse costs are estimated to cost employers \$62 billion annually through lost time, low productivity, and more frequent injuries.

The vote occurred on third reading and final passage. A vote for SB 195 was a vote with TAB. The bill passed and was signed by the Governor.

## 10 Freestanding ER Transparency - SB 425

### *Third Reading and Final Passage*

This bill requires increased price transparency from freestanding ERs. Freestanding ERs look very similar to urgent care facilities, and customers who choose them can end up facing large and unexpected medical bills. Surprise medical bills not only create financial insecurity for the consumer, but drive up health care costs to the employer.

The vote occurred on third reading and final passage. A vote for SB 425 was a vote with TAB. SB 425 passed and was signed by the Governor.

## SENATE VOTES

### 11 Balance Billing Reform - SB 481

#### *Third Reading and Final Passage*

This bill protects consumers from “balance bill shock” by lowering the financial threshold required for mediation. Balance billing occurs when a consumer receives out-of-network services and is directly billed by the provider for the balance of what the health plan did not pay. This commonly happens when the consumer or employee goes to an in-network hospital, yet the doctor providing care is out-of-network. Surprise medical bills are the number one cause of bankruptcy and bad credit ratings; many of these are a direct result of balance billing and drive up health care costs for the employer.

The vote occurred on third reading and final passage. A vote for SB 481 was a vote with TAB. SB 481 passed and was signed by the Governor.

### 12 Reform of Environmental Permitting Contested Case Process - SB 709

#### *Third Reading and Final Passage*

This bill addresses a number of problems in Texas’ process for reviewing and approving environmental permits. It will help make Texas more competitive with states that are attracting business investments in some part based on a more predictable and timely permitting process. SB 709 affirms recent binding court decisions related to the discretion of the TCEQ commissioners in granting requests for contested case hearings to protest permits and ensures that challenges to permits are based on current statutory and regulatory authority. The bill also requires that challenges address disputed issues of fact and that protestants raise their concerns early in the public participation process. The bill also establishes a more certain and predictable time frame for completion of a contested case hearing.

The vote occurred on third reading and final passage. A vote for SB 709 was a vote with TAB. SB 709 passed and was signed by the Governor.

### 13 Drug Testing for Unemployment Benefits – SB 722

#### *Third Reading and Final Passage*

This bill would have allowed employers to report drug testing results of claimants who fail or refuse to take a pre-employment drug test after a job offer has been made. In the 83rd Legislative Session, the Legislature passed a bill that would allow the TWC to drug test in narrow circumstances as dictated by the Department of Labor, but those rules have not been finalized. Many companies have zero-tolerance drug use policies in place as such use puts the employee and others at risk. Someone who cannot pass a drug test is not available for work, as required by law to receive benefits.

The vote occurred on third reading and final passage. A vote for SB 722 was a vote with TAB. The bill passed the Senate but died in the House.

### 14 Tort Reform – Exemplary Damages - SB 735

#### *Third Reading and Final Passage*

This bill provides that the financial condition or net worth of a party is not relevant for the purposes of supporting a claim for, or the amount of, exemplary damages, and, therefore, is not discoverable or admissible as evidence. SB 735 protects the discovery information of small business owners and protects jobs.

The vote occurred on third reading and final passage. A vote for SB 735 was a vote with TAB. SB 735 passed and was signed by the Governor.

## SENATE VOTES

### 15 Property Insurance Litigation Reform - SB 1628

#### *Third Reading and Final Passage*

This bill would have addressed the problems revealed by the exponential increase in litigation against property and casualty insurance carriers following hail events in recent years. The increase in litigation is causing less competition among carriers and will produce higher deductibles, higher premiums, and loss of coverage in some areas. SB 1628 would have prohibited suits against insurance company adjusters, required notice of a claim, defined “actual damages,” implemented a strict claims-filing period, increased regulation of public adjusters, and clarified the insurance fraud statute.

The vote occurred on third reading and final passage. A vote for SB 1628 was a vote with TAB. SB 1628 passed the Senate but died in the House.



State Headquarters  
1209 Nueces  
Austin, Texas 78701

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