



March 28, 2013 | Volume 3 | Issue 10

## Representative Dan Huberty



**CAPITOL OFFICE**  
Capitol Extension E2.722  
P.O. Box 2910  
Austin, TX 78768  
Phone: 512.463.0520

**DISTRICT OFFICE**  
4501 Magnolia Cove  
Suite 201  
Kingwood, TX 77345  
Phone: 281.360.9410

### E-MAIL

District127.Huberty@house.state.tx.us

### Staff Contact Information:

#### **CASEY CHRISTMAN**

*Chief of Staff*

Casey.Christman@house.state.tx.us

#### **MAGGIE IRWIN**

*Legislative Director*

Maggie.Irwin@house.state.tx.us

#### **BEN MELSON**

*Legislative Aide*

Ben.Melson@house.state.tx.us

#### **CHASE BARKER**

*Legislative Aide*

Chase.Barker@house.state.tx.us

### **More than halfway through...**

We have reached that strange halfway point in the legislative session that seems to be the calm before the brewing storm. The bill filing deadline has passed and members can now focus on getting their bills scheduled for a committee hearing. We will begin to hear more bills on the House Floor and our committee meetings will begin later in the day and last longer. This is busiest, but also the most productive time in the session.

Last week, I laid out six of my bills in committee hearings. I am hopeful that they will be reported favorably from their respective committees sometime next week and be set on a House Calendar very soon. If you are interested in learning more about the six bills I presented last week, the status of the four previous bills I had in committee or any of my other pieces of legislation, you can find that information on my House Member website, by [clicking here](#).

In the newsletter below, I have provided updates on my committees. Much like my legislation, you can see what both of my committees are working on at any time by visiting the committees' websites located [here](#).

But to give you a brief update on House Business so far: last week, we passed the Public Utility Commission (PUC) Sunset Bill from the House and to the Senate. This week, we saw the passage of House Bill 5, dealing with school accountability, and House Bill 4, which deals with the State's Water Plan. Next Thursday we are scheduled to hear Senate Bill 1, the biennial Budget Bill, on the House floor. You can read about each of these bills below.

As always, please feel free to contact my office with any questions you may have regarding the 83rd Legislative Session. You can reach the Capitol Office at 512-463-0520, or my District Office at 281-360-9410.

Sincerely,

Dan Huberty  
State Representative - District 127

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## Legislative Update

As mentioned above, several very important pieces of legislation have already been heard in and some passed from the House Chamber on to the Senate. House Bill 1600, which renews the Public Utility Commission's existence through the Sunset Review Process, left the Chamber last Wednesday on a vote of 139 - 6. House Bill 5, which effectively changes the high school graduation requirements for Texas students, passed on Tuesday, with an astonishing 144-2 majority. House Bill 4, also headed to the Senate Chamber only yesterday on a vote of 144-3. This piece of legislation directs regional water planning groups and Texas Water Development Board to prioritize projects for funding based on a range of criteria, including: project feasibility, cost effectiveness, the size of the population served by the project, and the local contribution that can be made to finance the project.

For a full list of the legislation filed by Representative Huberty can be viewed on his House website, accessible by [clicking here](#). You can also view each individual bill by clicking the bill number.

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### House Bill 1600 - Public Utility Commission Sunset Review

There is considerable misinformation being spread about a bill, H.B. 1600, that came to the House floor this week dealing with the agency that oversees the electric industry in Texas, the Public Utility Commission (PUC). The bill was exhaustively vetted over a three-year period by the Texas Sunset Commission, which periodically reviews state agencies to weed out waste and inefficiencies. After many hours of input from stakeholders and consumers, the authors wrote a bill that would, among other things, allow the PUC to issue "cease and desist" orders to energy producers in order to protect the public in emergency conditions. This authority is limited to situations where the PUC determines that a market participant's conduct (for example, an energy producer, not an individual) either: poses a threat to continuous and adequate electric service; is hazardous; creates an immediate danger to the public safety; or is causing or can be reasonably expected to cause immediate injury to an electric customer. For example, the bill would allow the PUC to intervene if an energy supplier is about to turn off an elderly person's power during conditions of extreme heat.

The language in the bill has been inaccurately described as government overreach. However, PUC already has the authority to conduct these actions. The bill would simply allow the agency to respond more quickly in emergency, life-threatening situations. It is also important to note that the bill includes due-process provisions that would give affected parties 30 days to request an appeals hearing, which must then be held within 10 days. Most importantly, the bill does not allow the PUC to turn off an individual's power. I supported an amendment by Representative Sanford that specifically clarified that the PUC does not have this authority.

Other agencies that currently have emergency cease-and-desist authority such as the provision in HB 1600 include the Department of Insurance, State Securities Board, Texas Racing Commission, Board of Nursing, and the Department of Licensing and Regulation. In most cases, the authority granted to these agencies has fewer constraints than those contained in the language of HB 1600.

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### Senate Bill 1 - The Biennial Budget

As mentioned above, the biennial budget bill (Senate Bill 1) will be heard on the House Floor on Thursday, April 4. Senate Bill 1 came to the House Appropriations Committee after passage by a 29-2 vote in the Senate Chamber. It would increase spending in most areas, including education and health care, but some argue that more spending is needed in light of the size of last session's budget cuts and the amount of money now available. Senate Finance Chairman, Senator Tommy Williams, said "we did what we had to do last session, but we can be proud of what's included in this budget."

The bill was unanimously approved by the House Appropriations Committee last week after a vote of 27-0. Before the vote, Committee Chairman Rep. Jim Pitts added an amendment that increased the basic allotment for public education funding by \$1 billion. Chairman Pitts expressed optimism that the bill will get strong support from the body. "After today, you can be very proud of the bill we'll be taking to the floor," Pitts told the committee members. Pitts also said the committee plans to put an additional \$500 million toward schools in the current budget as part of a supplemental budget bill the Legislature will vote on late in the session. Below is a brief summary produced by the Legislative Budget Board (LBB) of Senate Bill 1, as passed by the House Appropriations Committee.

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## Senate Bill 1 - The Biennial Budget (continued from above)

The recommended appropriations for state government operations for the 2014–15 biennium total \$193.8 billion from all fund sources. The funding provides a \$3.9 billion, or 2.1 percent, increase from the 2012–13 biennial level. General Revenue Funds, including funds dedicated within the General Revenue Fund, total \$99.9 billion for the 2014–15 biennium, an increase of \$6.1 billion, or 6.5 percent, from the anticipated 2012–13 biennial spending level. For the 2014–15 biennium, the funding includes the following key budget items:

### Health & Human Services

- \$56.7 billion in All Funds, including \$22.8 billion in General Revenue Funds and General Revenue–Dedicated Funds, is provided for the Texas Medicaid program.

### Public Education

- \$40.7 billion in All Funds and \$32.8 billion in General Revenue Funds and General Revenue–Dedicated Funds is provided for the Foundation School Program (FSP). This represents an increase of \$2.5 billion in General Revenue Funds and \$2.8 billion in All Funds. The total funding level for the FSP provides for an increase in the Basic Allotment from \$4,765 in both fiscal years to \$4,890 in fiscal year 2014 and \$4,975 in fiscal year 2015 and assumes that the Regular Program Adjustment Factor (RPAF) at 1.00, effectively eliminating this mechanism for reducing entitlement enacted in Senate Bill 1, Eighty-second Legislature, First Called Session, 2011.

### Higher Education

- Higher Education is supported by \$16.2 billion in All Funds and \$14 billion in General Revenue Funds and General Revenue–Dedicated Funds. This includes funding for public institutions, state agencies of higher education, and higher education group insurance. Included in this amount is an increase of \$266.7 million in General Revenue Funds for formula funding. General Revenue Funds for tuition revenue bond debt service are included at requested levels for previously authorized debt. General Revenue Funds for Texas Grants at the Texas Higher Education Coordinating Board is increased by \$150.0 million in General Revenue Funds. General Revenue Funds for other financial aid programs is increased by \$25.0 million. General Revenue Funds for residency programs at the Texas Higher Education Coordinating Board is increased by \$18.5 million. General Revenue–Dedicated Fund for the Physician Education Loan Repayment Program is increased by \$28.2 million. Higher Education Group Insurance contributions are increased by \$139.0 million. General Revenue Funds for wildfire and other emergency response, prevention, and training is increased by \$26.5 million.

### Criminal Justice

- \$5.1 billion in All Funds and \$5.0 billion in General Revenue Funds and General Revenue–Dedicated Funds is provided for the incarceration of adult offenders in the Texas Department of Criminal Justice which includes housing, security, classification, food and necessities, health care, and treatment services. Funding includes a \$173.6 million net increase in All Funds for the incarceration and treatment of adult offenders. General Revenue increases include: \$105.2 million for correctional officers' salary increases of 5 percent, \$47.4 million for correctional managed health care, \$20.1 million for contract correctional facilities' per diem increases, \$11.7 million for vehicle replacements, and \$6.1 million for 75 reentry transitional coordinators. The Legislative Budget Board staff projected average number of offenders incarcerated is 152,289 in fiscal year 2014 and 153,474 in fiscal year 2015.

### Juvenile Justice

- \$644.8 million in All Funds and \$581.7 million in General Revenue Funds is provided to the Juvenile Justice Department for juvenile justice services. General Revenue Funds are decreased by \$22.5 million from the 2012–13 biennial level primarily as the result of declining juvenile supervision and incarceration populations. Funding includes \$293.7 million for local juvenile probation services, which includes \$25.6 million for mental health services grants, and \$246.1 million for state services and facilities, including \$5.2 million and 50 FTEs for aggressive youth programs. Funding also includes \$5.2 million for a juvenile correctional officer pay increase of 5 percent.

### Teacher Retirement & Health Benefits

- \$3,273.4 million in All Funds and \$3,268.2 million in General Revenue and General Revenue–Dedicated Funds is provided for the state contribution for retirement benefits through the Teacher Retirement System. Funding is sufficient for a 6.6 percent state retirement contribution rate for the 2014–15 biennium. Based on historical data payroll trends, funding assumes no annual payroll growth for public education and 2.0 percent annual payroll growth for higher education.

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## Senate Bill 1 - The Biennial Budget (continued from above)

### Transportation

• \$17.3 billion in All Funds is provided for transportation planning and design, right-of-way acquisition, construction, and maintenance and preservation. The All Funds amount includes \$8.2 billion for maintenance and preservation of the existing transportation system (an increase of \$1.5 billion); \$6.7 billion for construction and highway improvements (an increase of \$1.3 billion); \$1.6 billion for transportation system planning, design, and management; and \$0.9 billion for right-of-way acquisition (a decrease of \$1.1 billion). \$2.5 billion in All Funds (an increase of \$813 million) is provided for debt service payments and other financing costs for the Texas Department of Transportation’s borrowing programs, including \$1.9 billion in Other Funds from the State Highway Fund and the Texas Mobility Fund, \$425.9 million in General Revenue Funds, and \$125.7 million in Federal Funds from Build America Bond interest payment subsidies.

### Factors Affecting The State Budget

Medicaid and the Children’s Health Insurance Program (CHIP) appropriations for the 2014–15 biennium total \$58.6 billion in All Funds, representing 30.3 percent of the proposed state budget. Healthcare-related costs continue to be the state’s single largest budget driver. Other significant factors affecting the cost of state government include public and higher education enrollment, prison incarceration, and certain other health and human services programs. The major growth indicators from 2002 to 2012 are, as follows:

- Average daily attendance in public schools has increased by 20.2 percent.
- Higher education enrollment in general academic institutions has increased by 26.5 percent.
- Community college enrollment has grown by 63.9 percent.
- Average monthly caseload for the Children’s Health Insurance Program has increased by 21.9 percent.
- Average monthly caseload for Medicaid waiver clients has increased by 24.1 percent.
- Average monthly caseload for Medicaid clients (Acute Care and STAR+PLUS) has increased by 75.4 percent.
- Average monthly caseload for nursing home clients has decreased by 1.7 percent.
- Average inmate population in the Department of Criminal Justice has increased by 7.1 percent.
- Average residential population at the Texas Juvenile Justice Department (formerly the Texas Youth Commission) has decreased by 360.4 percent.

These factors do not totally explain the growth in the budget. Other cost-related factors, such as medical inflation, can have an equal or greater effect on growth. You can read more about the LBB and their summaries and recommendations at their website, [www.lbb.state.tx.us](http://www.lbb.state.tx.us).

### ALL FUNDS:

IN MILLIONS	ESTIMATED/ BUDGETED 2012–13*	RECOMMENDED 2014–15	BIENNIAL CHANGE	PERCENTAGE CHANGE
Article I – General Government	\$4,881.1	\$4,005.7	(\$875.4)	(17.9)
Article II – Health and Human Services	68,632.3	72,145.2	3,513.0	5.1
Article III – Agencies of Education	75,677.9	72,655.5	(3,022.3)	(4.0)
<i>Public Education</i>	52,389.5	55,218.9	2,829.4	5.4
<i>Higher Education</i>	23,288.4	17,436.6	(5,851.8)	(25.1)
Article IV – The Judiciary	648.2	673.8	25.7	4.0
Article V – Public Safety and Criminal Justice	11,742.8	11,668.3	(74.5)	(0.6)
Article VI – Natural Resources	4,934.2	4,683.8	(250.4)	(5.1)
Article VII – Business and Economic Development	22,315.8	25,069.3	2,753.6	12.3
Article VIII – Regulatory	707.0	773.3	66.3	9.4
Article IX – General Provisions	0.0	1,787.3	1,787.3	N/A
Article X – The Legislature	348.9	357.5	8.7	2.5
<b>Total, All Functions</b>	<b>\$189,888.0</b>	<b>\$193,820.0</b>	<b>\$3,932.0</b>	<b>2.1</b>

\*Includes anticipated supplemental spending adjustments.

## House Bill 5 - School Accountability

The Texas House of Representatives passed House Bill 5 on second reading today with broad bipartisan support. The legislation, authored by Public Education Committee Chairman Jimmie Don Aycok (Killeen), improves education in 3 critical ways: It gives students more flexibility to explore their individual interests as they prepare for higher education and the workforce; it reduces the burden of standardized tests, which play too large a role in our education system; and it provides new measures to make our schools more accountable.

Chairman Aycok said, "This bill gives all Texas students the opportunities they need to succeed in life by offering multiple rigorous pathways in high school. Our goal is to prepare all students for success, not just those going to four-year colleges." Aycok added, "Research shows that young people stay engaged in education when they believe it is relevant to their lives, and this bill gives students more opportunities to explore the subjects that interest and motivate them. The bill will also make Texas students better prepared for the jobs that Texas employers are struggling to fill."

A new state rating system would measure schools on academic performance, financial performance, and community and student engagement. All three ratings would be released at the same time to provide a clearer understanding of a school's overall track record. It would use the understandable labels of A, B, C, D and F. Rep. Dan Huberty (Humble), Caucus Secretary and a member of the House Public Education Committee, said, "The current one-size-fits-all model for high school does not fit the needs of every child, which is a problem for our students and our economy. Texas is a great place to do business, but our workforce is aging, and our schools aren't producing nearly enough skilled workers to fill the gap. This bill provides flexibility for students to develop their individual talents and pursue jobs that match those talents." You can [click here](#) to read HB 5 in full, the analysis of the bill or to follow it through the legislative process.

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## KUHF Radio Interview on House Bill 5 - Laura Isensee

After more than ten hours of debate, the Texas House passed House Bill 5 with a vote of 146-2. Representative Huberty was able to take some time after the passage of HB 5 to speak with Laura Isensee of the KUHF Education Desk. He spoke briefly to the content and purpose of the bill and how the legislation will affect public education high students. You can listen to the radio interview or read the transcript by [clicking here](#).

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## House Bill 4 - State Water Plan

HB 4 passed the Texas House Wednesday evening with broad bipartisan support. The legislation, authored by Natural Resources Committee Chairman Allan Ritter (Nederland), creates the State Water Implementation Fund for Texas, a water infrastructure bank that allows for the implementation of the most needed water projects across the state under the State Water Plan. Chairman Ritter said, "As Mother Nature has reminded us through the drought over the last several years, we cannot change the weather. But, with sound science and farsighted planning, we can conserve and develop a water supply to meet our future demands. HB 4 addresses the need to ensure that we have enough affordable water available to secure public health, and to further economic development — while protecting the agricultural and natural resources of the entire state."

The 2012 State Water Plan shows that over the next 50 years, our water supply is going to decrease 18% and our water demands are going to increase by 27%. If inaction continues, Texas could be short 8.3 million acre-feet per year by 2060. That's almost 3 trillion gallons of water. The State Water Plan contains over 500 strategies that, if fully implemented, will develop 9 million acre-feet of new water over the next 50 years. Rep. Brandon Creighton (Conroe), Chairman of the House Caucus, said HB 4 is one of the most important pieces of legislation this session. "Providing for a sustainable water supply is a critical mission for the future of Texas. HB 4 will make it possible to initiate major water infrastructure projects to ensure a water supply for generations of Texans." Creighton added, "Water plays an integral role in all levels of economic development. By securing a strong water structure we can continue to attract businesses, jobs and foster economic growth." You can [click here](#) to read HB 5 in full, the analysis of the bill or to follow it through the legislative process.

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## Committee Updates

### State Affairs

Seven bills were heard in State Affairs on March 13. Four bills were voted out of the committee (HB 450, HB 677, HB 994, and HB 1160), and sent to the House Calendars committee. House Calendars committee will now decide when to set these bills to be heard on the House floor. The bill that brought the most witnesses out was Representative Anchia's HB 723. This bill increases the state's goal for renewable electricity generated from sources other than wind and to provide incentives to help meet that goal. Representative Larson laid out HB 160 requiring elected officials to disclose their travel details to the ethics commission. If the travel arrangements are not considered official state business, the elected official will have to reimburse the state. The committee on State Affairs typically lays out new bills each week and then takes a vote on bills from the previous hearings.

State Affairs met on March 20, and had several lengthy bills. Chairman Cook offered up a Sunset Advisory Commission bill for the Department of Information Resources. Chairman Anchia's State Employee Charitable Campaign Sunset bill was also on the docket. The Sunset Advisory Commission consists of twelve members and reviews 150+ state agencies every 12 years. Each state agency is reviewed in the legislature every 12 years, however not all agencies will be reviewed at the same time, as reviews are staggered throughout the years. This hearing also saw Representative Huberty's bill, HB 2049, which relates to a qualifying cogeneration facility's ability to sell electric energy to multiple purchasers.

State Affairs began on Wednesday, March 27, by voting out six pending bills. Chairman Senfronia Thompson's legislation, related to the Governor maintaining powers while outside the State of Texas, was sent to the Calendars committee. Two Sunset bills were voted out, including Chairman Harold Dutton's Texas Facilities Commission bill and Chairman Rafael Anchia's State Employee Contribution Campaign bill. Representative Cortez presented HB 1915 to the committee. This bill would create an ethics policy for CPRIT (Cancer Prevention Research Institute of Texas). Two more bills, relating to the duties of physicians that perform abortions, were laid out for the committee. And finally Chairman Cook laid out a bill that would clarify how electric cooperatives and cable operators set up rates, terms and conditions.

The House State Affairs Committee meets every Wednesday. More information is available [here](#).

### Public Education

The Public Education Committee met on March 5, to discuss and hear eleven new bills. Some very moving testimony was provided for House Bill 590, by Representative Elliott Naishtat. The bill deals with a student's eligibility to be a part of a school district's special education program on the basis of a visual impairment. House Bill 101, by Representative Lois Kolkhorst, brought more passionate testimony. The bill relates to the use of radio frequency identification technology to transmit information regarding public school students. The committee heard from about 30 witnesses testifying "on", "for" and "against" this bill.

The week of March 12, was once again a very busy week at the Capitol. The Public Education Committee met on Tuesday to discuss several interesting bills relating to career and technology education and assessment instruments. Also, for the first time this session my fellow members and I had the opportunity to vote on several bills in order to send them out of committee and to the floor of the House of Representatives. The committee voted out a total of 12 bills in this exciting process. Two of Representative Huberty's bills that had previously been heard in the committee were voted out during this hearing as well. HB 222 dealing with the ability of a student to receive a public education grant to attend another school and HB 1264, which instructs school districts to collect and report data on the number of students in the district who are determined to have dyslexia. Both of these bills are important to improving public education and will help to give students and school districts additional tools that they need to ensure that education continues to be a top priority throughout the state. The committee met again on, March 19, to discuss 13 more bills ranging from truancy policies to the physical fitness of students.

The House Public Education Committee meets every Tuesday. More information is available [here](#).

## Suzanne & Jeffrey Jamison

Representative Huberty was honored to host Suzanne and Jeffrey Jamison at the Texas capitol recently. They were treated to a photo on the House Floor, several private tours and a meeting with him. It was a great day at the Capitol and they left excited about what is happening in the Texas House during the 83rd Legislative Session.

Planning to visit the Texas Capitol soon? Be sure to contact Rep. Huberty's office and let them know when you will be arriving.



## Atascocita High School Choir & Orchestra

Visitors to the Texas Capitol on Thursday, March 21, were treated to a wonderful performance by the members of the Atascocita High School Choir and Orchestra. They performed several songs in the Rotunda of the Capitol Building. Representative Huberty joined the students and their teachers to discuss what is happening in the Texas House. He presented them with a resolution honoring their visit and recital.



Speaking to members of the AHS Choir and Orchestra

Presenting a House Resolution for the performance to AHS Teacher Joe Weir