

Suspending limitations on conference committee
jurisdiction, H.B. No. 3540 (Pitts/Ogden)

By: Pitts

H.R. No. 2289

R E S O L U T I O N

1 BE IT RESOLVED by the House of Representatives of the State of
2 Texas, 79th Legislature, Regular Session, 2005, That House Rule 13,
3 Section 9(a), be suspended in part as provided by House Rule 13,
4 Section 9(f), to enable the conference committee appointed to
5 resolve the differences on House Bill 3540 (certain fiscal matters
6 affecting governmental entities) to consider and take action on the
7 following matter:

8 (1) House Rule 13, Section 9(a)(2), is suspended to permit
9 the committee to omit the text of Article 1 of the bill as follows:

10 ARTICLE 1. DELAYED ELIGIBILITY FOR MEMBERSHIP IN EMPLOYEES
11 RETIREMENT SYSTEM OF TEXAS

12 SECTION 1.01. Section 812.003(e), Government Code, is
13 amended to read as follows:

14 (e) Membership [~~For persons whose employment or office~~
15 ~~holding begins before September 1, 2005, membership]~~ in the
16 employee class begins on the 91st day after the first day a person
17 is employed or holds office.

18 SECTION 1.02. Sections 812.003(d) and (h), Government Code,
19 are repealed.

20 Explanation: The change is necessary to omit provisions
21 relating to delayed eligibility for membership in the Employees
22 Retirement System of Texas.

23 (2) House Rule 13, Section 9(a)(2), is suspended to permit
24 the committee to omit the text of the title to Article 2 of the bill

1 as follows:

2 ARTICLE 2. WAIVER OF AND SUPPLEMENTAL HEALTH COVERAGE FOR STATE
3 EMPLOYEES

4 Explanation: The change is necessary to conform to the
5 deletion of the other provisions of Article 2 of the bill relating
6 to waiver of and supplemental health coverage for state employees,
7 which was a matter of disagreement between the houses. In addition,
8 that article is included in the conference committee report for
9 S.B. No. 1863.

10 (3) House Rule 13, Section 9(a)(2), is suspended to permit
11 the committee to omit the text of Section 1551.104(a), Insurance
12 Code, as follows:

13 (a) Subject to Sections 1551.101 and 1551.102, each
14 full-time employee is covered automatically by the basic coverage
15 plan for employees and each annuitant is covered by the basic
16 coverage plan for annuitants unless:

17 (1) participation is specifically waived as provided
18 by Section 1551.1045;

19 (2) the employee or annuitant is expelled from the
20 program under Section 1551.351; or

21 (3) eligibility is otherwise limited by this chapter.

22 Explanation: The change is necessary to conform to the
23 deletion of the other provisions of Article 2 of the bill relating
24 to waiver of and supplemental health coverage for state employees,
25 which was a matter of disagreement between the houses. In addition,
26 that article is included in the conference committee report for
27 S.B. No. 1863.

1 (4) House Rule 13, Section 9(a)(2), is suspended to permit
2 the committee to omit the text of Section 1551.1045(a), Insurance
3 Code, as follows:

4 (a) Subject to Subsections (b) and (c), an employee or
5 annuitant may waive in writing any coverage provided under this
6 chapter.

7 Explanation: The change is necessary to conform to the
8 deletion of the other provisions of Article 2 of the bill relating
9 to waiver of and supplemental health coverage for state employees,
10 which was a matter of disagreement between the houses. In addition,
11 that article is included in the conference committee report for
12 S.B. No. 1863.

13 (5) House Rule 13, Section 9(a)(2), is suspended to permit
14 the committee to omit the text of Section 1551.222, Insurance Code,
15 as follows:

16 Sec. 1551.222. INCENTIVE PAYMENTS. (a) The board of
17 trustees may allow an incentive payment under this section to an
18 employee or annuitant who elects to waive coverage under the basic
19 coverage plan for employees or annuitants as provided by Section
20 1551.1045(b) or (c).

21 (b) The incentive payment authorized by this section is in
22 the amount authorized by the General Appropriations Act and may be
23 used by the employee or annuitant, in the manner prescribed by the
24 board of trustees, only to pay for other group coverage plans
25 provided under the group benefits program.

26 (c) The board of trustees, at the time of initial enrollment
27 in the group benefits program and during subsequent open-enrollment

1 periods, shall inform employees and annuitants that they may make
2 an election described by Subsection (a), if eligible, and receive
3 any authorized incentive payment.

4 Explanation: The change is necessary to conform to the
5 deletion of the other provisions of Article 2 of the bill relating
6 to waiver of and supplemental health coverage for state employees,
7 which was a matter of disagreement between the houses. In addition,
8 that article is included in the conference committee report for
9 S.B. No. 1863.

10 (6) House Rule 13, Section 9(a)(2), is suspended to permit
11 the committee to omit the text of Section 1551.324, Insurance Code,
12 as follows:

13 Sec. 1551.324. REDUCTION IN CONTRIBUTION FOR CERTAIN ACTIVE
14 EMPLOYEES AND ANNUITANTS; INCENTIVE PAYMENTS. (a) Notwithstanding
15 any other provision of this subchapter, the state contribution for
16 an employee's coverage or an annuitant's coverage under this
17 chapter may be reduced, as provided in the General Appropriations
18 Act, to reflect the reduced cost of coverage for an employee or
19 annuitant who elects to waive basic coverage as provided by Section
20 1551.1045(b) or (c).

21 (b) Instead of the full state contribution for an employee
22 or annuitant who makes an election described by Subsection (a), the
23 state may contribute, as specified by the General Appropriations
24 Act, an amount for the incentive payment authorized by Section
25 1551.222.

26 Explanation: The change is necessary to conform to the
27 deletion of the other provisions of Article 2 of the bill relating

1 to waiver of and supplemental health coverage for state employees,
2 which was a matter of disagreement between the houses. In addition,
3 that article is included in the conference committee report for
4 S.B. No. 1863.

5 (7) House Rule 13, Section 9(a)(2), is suspended to permit
6 the committee to omit the text of Article 4 of the bill as follows:

7 ARTICLE 4. EXTENDING STATE REIMBURSEMENT PROGRAM: PETROLEUM
8 STORAGE TANKS

9 SECTION 4.01. Section 26.351(f), Water Code, is amended to
10 read as follows:

11 (f) The person performing corrective action under this
12 section, if the release was reported to the commission on or before
13 December 22, 1998, shall meet the following deadlines:

14 (1) a complete site assessment and risk assessment
15 (including, but not limited to, risk-based criteria for
16 establishing target concentrations), as determined by the
17 executive director, must be received by the agency no later than
18 September 1, 2002;

19 (2) a complete corrective action plan, as determined
20 by the executive director and including, but not limited to,
21 completion of pilot studies and recommendation of a cost-effective
22 and technically appropriate remediation methodology, must be
23 received by the agency no later than September 1, 2003. The person
24 may, in lieu of this requirement, submit by this same deadline a
25 demonstration that a corrective action plan is not required for the
26 site in question under commission rules. Such demonstration must
27 be to the executive director's satisfaction;

1 (3) for those sites found under Subdivision (2) to
2 require a corrective action plan, that plan must be initiated and
3 proceeding according to the requirements and deadlines in the
4 approved plan no later than March 1, 2004;

5 (4) for sites which require either a corrective action
6 plan or groundwater monitoring, a comprehensive and accurate annual
7 status report concerning those activities must be submitted to the
8 agency;

9 (5) for sites which require either a corrective action
10 plan or groundwater monitoring, all deadlines set by the executive
11 director concerning the corrective action plan or approved
12 groundwater monitoring plan shall be met; and

13 (6) for sites that require either a corrective action
14 plan or groundwater monitoring, have met all other deadlines under
15 this subsection, and have submitted annual progress reports that
16 demonstrate progress toward meeting closure requirements, a site
17 closure request must be submitted to [~~requests for all sites where~~]
18 the executive director [~~agreed in writing that no corrective action~~
19 ~~plan was required must be received by the agency~~] no later than
20 September 1, 2007 [~~2005~~]. The request must be complete, as judged
21 by the executive director.

22 SECTION 4.02. Section 26.355(b), Water Code, is amended to
23 read as follows:

24 (b) An owner or operator of an underground or aboveground
25 storage tank from which a regulated substance is released is liable
26 to the state unless:

27 (1) the release was caused by:

- 1 (A) [~~(1)~~] an act of God;
- 2 (B) [~~(2)~~] an act of war;
- 3 (C) [~~(3)~~] the negligence of the State of Texas or
- 4 the United States; or
- 5 (D) [~~(4)~~] an act or omission of a third party; or
- 6 (2) the site at which the release occurred has been
- 7 admitted into the petroleum storage tank state-lead program under
- 8 Section 26.3573(r-1).

9 SECTION 4.03. Section 26.35731(b), Water Code, is amended

10 to read as follows:

11 (b) The commission has discretion whether to postpone

12 considering, processing, or paying [~~may not consider, process, or~~

13 ~~pay~~] a claim for reimbursement from the petroleum storage tank

14 remediation account for corrective action work begun without prior

15 commission approval after September 1, 1993, and filed with the

16 commission prior to January 1, 2005 [~~without prior commission~~

17 ~~approval until all claims for reimbursement for corrective action~~

18 ~~work preapproved by the commission have been considered, processed,~~

19 ~~and paid~~].

20 SECTION 4.04. Section 26.3573, Water Code, is amended by

21 amending Subsections (d), (r), and (s) and adding Subsection (r-1)

22 to read as follows:

23 (d) The commission may use the money in the petroleum

24 storage tank remediation account to pay:

25 (1) necessary expenses associated with the

26 administration of the petroleum storage tank remediation account

27 and the groundwater protection cleanup program[~~, not to exceed an~~

1 ~~amount equal to: 11.8 percent of the gross receipts of that account~~
2 ~~for FY02/03; 16.40 percent of the gross receipts of that account for~~
3 ~~FY04/05; and 21.1 percent of the gross receipts of that account for~~
4 ~~FY06/07];~~

5 (2) expenses associated with investigation, cleanup,
6 or corrective action measures performed in response to a release or
7 threatened release from a petroleum storage tank, whether those
8 expenses are incurred by the commission or pursuant to a contract
9 between a contractor and an eligible owner or operator as
10 authorized by this subchapter; and

11 (3) subject to the conditions of Subsection (e) [~~of~~
12 ~~this section~~], expenses associated with investigation, cleanup, or
13 corrective action measures performed in response to a release or
14 threatened release of hydraulic fluid or spent oil from hydraulic
15 lift systems or tanks located at a vehicle service and fueling
16 facility and used as part of the operations of that facility.

17 (r) Except as provided by Subsection (r-1), the [~~The~~
18 petroleum storage tank remediation account may not be used to
19 reimburse any person for corrective action performed after
20 September 1, 2005.

21 (r-1) In this subsection, "state-lead program" means the
22 petroleum storage tank state-lead program administered by the
23 commission. The executive director shall grant an extension for
24 corrective action reimbursement to a person who is an eligible
25 owner or operator under Section 26.3571. The petroleum storage
26 tank remediation account may be used to reimburse an eligible owner
27 or operator for corrective action performed under an extension

1 before August 31, 2007. Not later than July 1, 2007, an eligible
2 owner or operator who is granted an extension under this subsection
3 may apply to the commission in writing using a form provided by the
4 commission to have the site subject to corrective action placed in
5 the state-lead program. The eligible owner or operator must agree
6 in the application to allow site access to state personnel and state
7 contractors as a condition of placement in the state-lead program
8 under this subsection. On receiving the application for placement
9 in the state-lead program under this subsection, the executive
10 director by order shall place the site in the state-lead program
11 until the corrective action is completed to the satisfaction of the
12 commission. An eligible owner or operator of a site that is placed
13 in the state-lead program under this subsection is not liable to the
14 commission for any costs related to the corrective action.

15 (s) The petroleum storage tank remediation account may not
16 be used to reimburse any person for corrective action contained in a
17 reimbursement claim filed with the commission after March 1, 2008
18 [~~2006~~].

19 SECTION 4.05. Section 26.3574(b), Water Code, is amended to
20 read as follows:

21 (b) A fee is imposed on the delivery of a petroleum product
22 on withdrawal from bulk of that product as provided by this
23 subsection. Each operator of a bulk facility on withdrawal from
24 bulk of a petroleum product shall collect from the person who orders
25 the withdrawal a fee in an amount determined as follows:

26 (1) \$12.50 for each delivery into a cargo tank having a
27 capacity of less than 2,500 gallons for the state fiscal year

1 beginning September 1, 2001, and the state fiscal year beginning
2 September 1, 2002 [FY 02 and FY 03]; and \$10.00 for each delivery
3 into a cargo tank having a capacity of less than 2,500 gallons for
4 the state fiscal year beginning September 1, 2003, through the
5 state fiscal year ending August 31, 2007 [FY 04 and FY 05; \$5.00 for
6 each delivery into a cargo tank having a capacity of less than 2,500
7 gallons for FY 06; and \$2.00 for each delivery into a cargo tank
8 having a capacity of less than 2,500 gallons for FY 07];

9 (2) \$25.00 for each delivery into a cargo tank having a
10 capacity of 2,500 gallons or more but less than 5,000 gallons for
11 the state fiscal year beginning September 1, 2001, and the state
12 fiscal year beginning September 1, 2002 [FY 02 and FY 03]; and
13 \$20.00 for each delivery into a cargo tank having a capacity of
14 2,500 gallons or more but less than 5,000 gallons for the state
15 fiscal year beginning September 1, 2003, through the state fiscal
16 year ending August 31, 2007 [FY 04 and FY 05; \$10.00 for each
17 delivery into a cargo tank having a capacity of 2,500 gallons or
18 more but less than 5,000 gallons for FY 06; and \$4.00 for each
19 delivery into a cargo tank having a capacity of 2,500 gallons or
20 more but less than 5,000 gallons for FY 07];

21 (3) \$37.50 for each delivery into a cargo tank having a
22 capacity of 5,000 gallons or more but less than 8,000 gallons for
23 the state fiscal year beginning September 1, 2001, and the state
24 fiscal year beginning September 1, 2002 [FY 02 and FY 03]; and
25 \$30.00 for each delivery into a cargo tank having a capacity of
26 5,000 gallons or more but less than 8,000 gallons for the state
27 fiscal year beginning September 1, 2003, through the state fiscal

1 year ending August 31, 2007 [~~FY 04 and FY 05, \$15.00 for each~~
2 ~~delivery into a cargo tank having a capacity of 5,000 gallons or~~
3 ~~more but less than 8,000 gallons for FY 06, and \$6.00 for each~~
4 ~~delivery into a cargo tank having a capacity of 5,000 gallons or~~
5 ~~more but less than 8,000 gallons for FY 07]~~;

6 (4) \$50.00 for each delivery into a cargo tank having a
7 capacity of 8,000 gallons or more but less than 10,000 gallons for
8 the state fiscal year beginning September 1, 2001, and the state
9 fiscal year beginning September 1, 2002 [~~FY 02 and FY 03]~~; and
10 \$40.00 for each delivery into a cargo tank having a capacity of
11 8,000 gallons or more but less than 10,000 gallons for the state
12 fiscal year beginning September 1, 2003, through the state fiscal
13 year ending August 31, 2007 [~~FY 04 and FY 05, \$20.00 for each~~
14 ~~delivery into a cargo tank having a capacity of 8,000 gallons or~~
15 ~~more but less than 10,000 gallons for FY 06, and \$8.00 for each~~
16 ~~delivery into a cargo tank having a capacity of 8,000 gallons or~~
17 ~~more but less than 10,000 gallons for FY 07]~~; and

18 (5) a \$25.00 fee for each increment of 5,000 gallons or
19 any part thereof delivered into a cargo tank having a capacity of
20 10,000 gallons or more for the state fiscal year beginning
21 September 1, 2001, and the state fiscal year beginning September 1,
22 2002 [~~FY 02 and FY 03]~~; and \$20.00 for each increment of 5,000
23 gallons or any part thereof delivered into a cargo tank having a
24 capacity of 10,000 gallons or more for the state fiscal year
25 beginning September 1, 2003, through the state fiscal year ending
26 August 31, 2007 [~~FY 04 and FY 05, \$10.00 for each increment of 5,000~~
27 ~~gallons or any part thereof delivered into a cargo tank having a~~

1 ~~capacity of 10,000 gallons or more for FY 06, and \$4.00 for each~~
2 ~~increment of 5,000 gallons or any part thereof delivered into a~~
3 ~~cargo tank having a capacity of 10,000 gallons or more for FY 07].~~

4 SECTION 4.06. Section 26.361, Water Code, is amended to
5 read as follows:

6 Sec. 26.361. EXPIRATION OF REIMBURSEMENT PROGRAM.
7 Notwithstanding any other provision of this subchapter, the
8 reimbursement program established under this subchapter expires
9 September 1, 2008 [~~2006~~]. On or after September 1, 2008 [~~2006~~], the
10 commission may not use money from the petroleum storage tank
11 remediation account to reimburse an eligible owner or operator for
12 any expenses of corrective action or to pay the claim of a person
13 who has contracted with an eligible owner or operator to perform
14 corrective action.

15 SECTION 4.07. This article takes effect September 1, 2005.

16 Explanation: The change is necessary to omit provisions
17 relating to extending the state reimbursement program for petroleum
18 storage tanks that are included in the conference committee report
19 for S.B. No. 1863.

20 (8) House Rule 13, Section 9(a)(2), is suspended to permit
21 the committee to omit the text of the title to Article 7 of the bill
22 as follows:

23 ARTICLE 7. DRUG PURCHASING FOR STATE AGENCIES

24 Explanation: The change is necessary to conform to the
25 deletion of the other provisions of Article 7 of the bill relating
26 to drug purchasing for state agencies, which was a matter of
27 disagreement between the houses. In addition, that article is

1 included in the conference committee report for S.B. No. 1863.

2 (9) House Rule 13, Section 9(a)(2), is suspended to permit
3 the committee to omit the text of Sections 531.080(a)-(d),
4 Government Code, as follows:

5 (a) Subject to Subsection (b), the commission and each
6 health and human services agency authorized by the executive
7 commissioner may enter into an agreement with one or more other
8 states for the joint bulk purchasing of prescription drugs and
9 other medications to be used in the Medicaid program, the state
10 child health plan, or another program under the authority of the
11 commission.

12 (b) An agreement under this section may not be entered into
13 until:

14 (1) the commission determines that entering into the
15 agreement would be feasible and cost-effective; and

16 (2) if appropriated money would be spent under the
17 proposed agreement, the governor and the Legislative Budget Board
18 grant prior approval to expend appropriated money under the
19 proposed agreement.

20 (c) If an agreement is entered into, the commission shall
21 adopt procedures applicable to an agreement and joint purchase
22 required by this section. The procedures must ensure that this
23 state receives:

24 (1) all prescription drugs and other medications
25 purchased with money provided by this state; and

26 (2) an equitable share of any price benefits resulting
27 from the joint bulk purchase.

1 (d) In determining the feasibility and cost-effectiveness
2 of entering into an agreement under this section, the commission
3 shall identify:

4 (1) the most cost-effective existing joint bulk
5 purchasing agreement; and

6 (2) any potential groups of states with which this
7 state could enter into a new cost-effective joint bulk purchasing
8 agreement.

9 Explanation: The change is necessary to conform to the
10 deletion of the other provisions of Article 7 of the bill relating
11 to drug purchasing for state agencies, which was a matter of
12 disagreement between the houses. In addition, that article is
13 included in the conference committee report for S.B. No. 1863.

14 (10) House Rule 13, Section 9(a)(2), is suspended to permit
15 the committee to omit the text of the transitional provisions
16 included in Sections 7.03 and 7.04 of the house engrossment and
17 Sections 7.02 and 7.03 of the senate committee report as follows:

18 SECTION 7.03. Not later than January 15, 2006, the Health
19 and Human Services Commission shall determine the feasibility and
20 cost-effectiveness of entering into an agreement under Section
21 531.080, Government Code, as added by this article. If the
22 commission determines that such action is feasible and
23 cost-effective, the commission shall take action to enter into an
24 agreement that takes effect March 1, 2006.

25 SECTION 7.04. If before implementing any provision of this
26 article a state agency determines that a waiver or authorization
27 from a federal agency is necessary for implementation of that

1 provision, the agency affected by the provision shall request the
2 waiver or authorization and may delay implementing that provision
3 until the waiver or authorization is granted.

4 Explanation: The change is necessary to conform to the
5 deletion of the other provisions of Article 7 of the bill relating
6 to drug purchasing for state agencies, which was a matter of
7 disagreement between the houses. In addition, that article is
8 included in the conference committee report for S.B. No. 1863.

9 (11) House Rule 13, Section 9(a)(2), is suspended to permit
10 the committee to omit the text of the title to Article 8 of the bill
11 as follows:

12 ARTICLE 8. QUALITY ASSURANCE FEES

13 Explanation: The change is necessary to conform to the
14 deletion of Article 8 of the bill relating to quality assurance
15 fees, which was a matter of disagreement between the houses. In
16 addition, that article is included in the conference committee
17 report for S.B. No. 1863.

18 (12) House Rule 13, Section 9(a)(2), is suspended to permit
19 the committee to omit text repealing Section 252.209, Health and
20 Safety Code, as added by Section 8.04 of the house engrossment and
21 by Section 8.01 of the senate committee report as follows:

22 SECTION 8.04. Section 252.209, Health and Safety Code, is
23 repealed.

24 Explanation: The change is necessary to conform to the
25 deletion of Article 8 of the bill relating to quality assurance
26 fees, which was a matter of disagreement between the houses. In
27 addition, that article is included in the conference committee

1 report for S.B. No. 1863.

2 (13) House Rule 13, Section 9(a)(2), is suspended to permit
3 the committee to omit the text of the title to Article 14 of the bill
4 as follows:

5 ARTICLE 14. INTEREST ON CERTAIN TAX REFUNDS

6 Explanation: The change is necessary to conform to the
7 deletion of the other provisions of Article 14 of the bill relating
8 to interest on certain tax refunds, which was a matter of
9 disagreement between the houses. In addition, that article is
10 included in the conference committee report for S.B. No. 1863.

11 (14) House Rule 13, Section 9(a)(2), is suspended to permit
12 the committee to omit the text of Sections 111.064(c-1) and (f), Tax
13 Code, relating to interest on certain tax refunds as follows:

14 (c-1) A refund, without regard to the date claimed, for a
15 report period due before January 1, 2000, does not accrue interest.

16 (f) A local revenue fund is not subject to Subsections
17 (a)-(c-1) [~~(a)-(e)~~]. In this subsection, "local revenue fund"
18 includes a court cost, a fee, a fine, or a similar charge collected
19 by a municipality, a county, or a court of this state and remitted
20 to the comptroller.

21 Explanation: The change is necessary to conform to the
22 deletion of the other provisions of Article 14 of the bill relating
23 to interest on certain tax refunds, which was a matter of
24 disagreement between the houses. In addition, that article is
25 included in the conference committee report for S.B. No. 1863.

26 (15) House Rule 13, Section 9(a)(2), is suspended to permit
27 the committee to omit the text of the effective date of Article 14

1 of the bill as follows:

2 SECTION 14.02. This article takes effect September 1, 2005.

3 Explanation: The change is necessary to conform to the
4 deletion of the other provisions of Article 14 of the bill relating
5 to interest on certain tax refunds, which was a matter of
6 disagreement between the houses. In addition, that article is
7 included in the conference committee report for S.B. No. 1863.

8 (16) House Rule 13, Section 9(a)(4), is suspended to permit
9 the conferees to add a new Article 5 to read as follows:

10 ARTICLE 5. EMERGENCY ROOM REDUCTION

11 SECTION 5.01. (a) Subchapter B, Chapter 531, Government
12 Code, is amended by adding Section 531.083 to read as follows:

13 Sec. 531.083. HOSPITAL EMERGENCY ROOM USE REDUCTION
14 INITIATIVES. The commission shall develop and implement a
15 comprehensive plan to reduce the use of hospital emergency room
16 services by recipients under the medical assistance program. The
17 plan may include:

18 (1) a pilot program designed to facilitate program
19 participants in accessing an appropriate level of health care,
20 which may include as components:

21 (A) providing program participants access to
22 bilingual health services providers; and

23 (B) giving program participants information on
24 how to access primary care physicians, advanced practice nurses,
25 and local health clinics;

26 (2) a pilot program under which health care providers,
27 other than hospitals, are given financial incentives for treating

1 recipients outside of normal business hours to divert those
2 recipients from hospital emergency rooms;

3 (3) payment of a nominal referral fee to hospital
4 emergency rooms that perform an initial medical evaluation of a
5 recipient and subsequently refer the recipient, if medically
6 stable, to an appropriate level of health care, such as care
7 provided by a primary care physician, advanced practice nurse, or
8 local clinic;

9 (4) a program under which the commission or a managed
10 care organization that enters into a contract with the commission
11 under Chapter 533 contacts, by telephone or mail, a recipient who
12 accesses a hospital emergency room three times during a six-month
13 period and provides the recipient with information on ways the
14 recipient may secure a medical home to avoid unnecessary treatment
15 at hospital emergency rooms;

16 (5) a health care literacy program under which the
17 commission develops partnerships with other state agencies and
18 private entities to:

19 (A) assist the commission in developing
20 materials that:

21 (i) contain basic health care information
22 for parents of young children who are recipients under the medical
23 assistance program and who are participating in public or private
24 child-care or prekindergarten programs, including federal Head
25 Start programs; and

26 (ii) are written in a language
27 understandable to those parents and specifically tailored to be

1 applicable to the needs of those parents;
2 (B) distribute the materials developed under
3 Paragraph (A) to those parents; and
4 (C) otherwise teach those parents about the
5 health care needs of their children and ways to address those needs;
6 and
7 (6) other initiatives developed and implemented in
8 other states that have shown success in reducing the incidence of
9 unnecessary treatment in hospital emergency rooms.

10 (b) The Health and Human Services Commission may develop the
11 health care literacy component of the comprehensive plan to reduce
12 the use of hospital emergency room services required by Section
13 531.083(5), Government Code, as added by this section, so that the
14 health care literacy component operates in a manner similar to the
15 manner in which the Johnson & Johnson/UCLA Health Care Institute
16 operates its health care training program that is designed to teach
17 parents to better address the health care needs of their children.

18 Explanation: The change is necessary to add provisions that
19 relate to the development and creation of hospital emergency room
20 use reduction initiatives.

21 (17) House Rule 13, Section 9(a)(2), is suspended to permit
22 the committee to omit the text of Sections 5.144(b) and (b-2),
23 Insurance Code, as follows:

24 (b) Except as provided by Subsection (d) of this article, if
25 the commissioner determines that an insurer has charged a rate for
26 personal automobile insurance or residential property insurance
27 that is excessive or unfairly discriminatory, as described by

1 Article 5.13-2 [~~or 5.101~~] of this code, the commissioner may order
2 the insurer to:

3 (1) issue a refund of the excessive or unfairly
4 discriminatory portion of the premium, plus interest on that
5 amount, directly to each affected policyholder if the amount of
6 that portion of the premium is at least 7.5 percent of the total
7 premium charged for the coverage; or

8 (2) if the amount of that portion of the premium is
9 less than 7.5 percent:

10 (A) provide each affected policyholder who
11 renews the policy a future premium discount in the amount of the
12 excessive or unfairly discriminatory portion of the premium, plus
13 interest on that amount; and

14 (B) provide each affected policyholder who does
15 not renew or whose coverage is otherwise terminated a refund in the
16 amount described by Subdivision (1) of this subsection.

17 (b-2) An insurer may not claim a premium tax credit to which
18 the insurer is otherwise entitled unless the insurer has complied
19 with this article.

20 Explanation: The change is necessary to conform to the
21 deletion of the other provisions of Article 5.144, Insurance Code,
22 which was a matter of disagreement between the houses.