

JOURNAL

OF THE

SENATE

REGULAR SESSION

OF THE

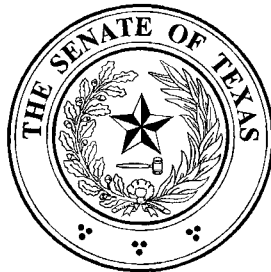
EIGHTY-SECOND LEGISLATURE

OF THE

STATE OF TEXAS

Convened January 11, 2011

Adjourned May 30, 2011



VOLUME II

Polly Emerson, Journal Clerk
Lourdes L. Guerra, Assistant

Charlene Ansley
Cathy Criss
Bonnie Michell Hill
Carmen S. Kennedy

Virginia L. Nailling
Dwight D. Sutherland
Tanu'e F. White

TABLE OF CONTENTS

VOLUME II

Proceedings of the Senate:

April 12, 2011, through May 5, 2011

Members	v
Forty-first Day through Fifty-fourth Day	1029 - 1922
Appendix of Authors and Histories	Volume VI
Index	Volume VII

THE SENATE OF TEXAS

Lieutenant Governor David Dewhurst, President

	Represented District
Birdwell, Brian - Granbury	22
Carona, John J. - Dallas	16
Davis, Wendy - Fort Worth	10
Deuell, Bob - Greenville	2
Duncan, Robert - Lubbock	28
Ellis, Rodney - Houston	13
Eltife, Kevin - Tyler	1
Estes, Craig - Wichita Falls	30
Fraser, Troy - Horseshoe Bay	24
Gallegos, Mario, Jr. - Houston	6
Harris, Chris - Arlington	9
Hegar, Glenn - Katy	18
Hinojosa, Juan "Chuy" - McAllen	20
Huffman, Joan - Southside Place	17
Jackson, Mike - La Porte	11
Lucio, Eddie, Jr. - Brownsville	27
Nelson, Jane - Flower Mound	12
Nichols, Robert - Jacksonville	3
Ogden, Steve - Bryan	5
Patrick, Dan - Houston	7
Rodriguez, Jose - El Paso	29
Seliger, Kel - Amarillo	31
Shapiro, Florence - Plano	8
Uresti, Carlos I. - San Antonio	19
Van de Putte, Leticia - San Antonio	26
Watson, Kirk - Austin	14
Wentworth, Jeff - San Antonio	25
West, Royce - Dallas	23
Whitmire, John - Houston	15
Williams, Tommy - The Woodlands	4
Zaffirini, Judith - Laredo	21



SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FORTY-FIRST DAY

(Tuesday, April 12, 2011)

The Senate met at 11:05 a.m. pursuant to adjournment and was called to order by Senator Eltife.

The roll was called and the following Senators were present: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

The Presiding Officer announced that a quorum of the Senate was present.

Pastor William Mose Johnson, Jr., First Baptist Church, Buda, offered the invocation as follows:

Almighty God of heaven and Earth, we ask Your blessing and divine guidance on these men and women chosen to lead us. We pray that through their efforts, lives would be enriched and helped and Your name glorified. We pray according to Your word that these would act justly, love mercy, and would walk humbly with You, O God. (Micah 6:8) In Your name. Amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of the previous day be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Tuesday, April 12, 2011 - 1

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HB 362 Solomons

Relating to the regulation by a property owners' association of the installation of solar energy devices and certain roofing materials on property.

HB 411 Laubenberg

Relating to the confidentiality of newborn screening information.

HB 443 Fletcher

Relating to the amount of the fee paid by a defendant for a peace officer's services in executing or processing an arrest warrant, capias, or capias pro fine.

HB 630 Pickett

Relating to the authority of the Texas Department of Transportation, counties, regional tollway authorities, and regional mobility authorities to enter into funding agreements to expedite the entity's environmental review duties related to certain transportation projects.

HB 1808 Cook

Relating to the continuation and functions of the State Soil and Water Conservation Board.

HB 2193 Truitt

Relating to service and qualifications for membership on an advisory committee established by the Employees Retirement System of Texas to provide advice to the board of trustees on investments and investment-related issues.

HB 2271 Anchia

Relating to the continuation and functions of the Texas Racing Commission, the abolishment of the Equine Research Account Advisory Committee, and the authority of Texas AgriLife Research; providing an administrative penalty.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

April 11, 2011
Austin, Texas

TO THE SENATE OF THE EIGHTY-SECOND LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be a member of the State Preservation Board for a term to expire February 1, 2013:

Ida Louise "Weisie" Clement Steen
 San Antonio, Texas

Ms. Steen is replacing Charlotte Foster of Houston whose term expired.

Respectfully submitted,

/s/Rick Perry
 Governor

SENATE RESOLUTION 725

Senator Carona offered the following resolution:

SR 725, Recognizing April 12, 2011, as Realtor Appreciation Day at the State Capitol.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Carona was recognized and introduced to the Senate a Texas Association of Realtors delegation: Dwight Hale, Chairman; Joe Stewart, Chairman-elect; Shad Bogany, Secretary-Treasurer; Travis Kessler, CEO; and Bill Jones, Immediate Past Chairman.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Patrick, on behalf of Senator Eltife, was recognized and introduced to the Senate a Panola County delegation.

The Senate welcomed its guests.

SENATE RESOLUTION 632

Senator Jackson offered the following resolution:

SR 632, Recognizing Christopher Fields of the Lakeview Police Department for his service to his community.

The resolution was again read.

The resolution was previously adopted on Monday, March 28, 2011.

GUESTS PRESENTED

Senator Jackson was recognized and introduced to the Senate Officer Christopher Fields, Kimber Fields, Logan Fields, Christyn Fields, Katelyn Ginther, Sergeant Don Fields, and Carla Fields.

The Senate welcomed its guests.

REPORT OF COMMITTEE ON NOMINATIONS

Senator Deuell submitted the following report from the Committee on Nominations:

We, your Committee on Nominations, to which were referred the following appointments, have had same under consideration and report them back to the Senate with a recommendation that they be confirmed:

Members, Board of Directors, Brazos River Authority: Christopher S. Adams, Hood County; Cynthia Olson Bourland, Williamson County; Michel Todd Brashears, Lubbock County; Robert Manning Christian, Leon County; Christopher Douglas DeCluitt, McLennan County; Carolyn Harper Johnson, Brazoria County; Roberta Jean Killgore, Burleson County; William Arthur Masterson, King County; Jeffrey Scott Tallas, Fort Bend County.

Members, Credit Union Commission: Manuel Cavazos, Travis County; Rob Kyker, Dallas County; Sherri Kay Brannon Merket, Midland County; Gary Don Tuma, Fort Bend County.

Members, Board of Directors, Guadalupe-Blanco River Authority: Robert E. Brockman, Comal County; Oscar Howard Fogle, Caldwell County; Arlene N. Marshall, Calhoun County; Thomas Owen Mathews, Kendall County; Myrna Patterson McLeroy, Gonzales County; Dennis Lynn Patillo, Victoria County.

Members, Manufactured Housing Board: Michael Horst Bray, El Paso County; Anthony George Burks, Tarrant County.

Members, Public Safety Commission: Anne Cynthia Leon, Hidalgo County; Allan B. Polunsky, Bexar County.

Members, Texas Board of Nursing: Deborah Hughes Bell, Taylor County; Mary Margaret LeBeck, Parker County; Beverley Nutall, Brazos County; Verna Kathleen Shipp, Lubbock County.

Members, Texas Industrialized Building Code Council: Robert L. Bowling, El Paso County; Roland Lee Brown, Ellis County; Joe D. Campos, Dallas County; Randall Reddin Childers, McLennan County; Amy Dempsey, Travis County; Martin J. Garza, Bexar County; Scott Alexander McDonald, Randall County; Mark Remmert, Williamson County; Jesse Rider, Smith County; Douglas Owen Robinson, Dallas County; Rolando Romeo Rubiano, Cameron County; Larry E. Wilkinson, Galveston County.

Members, Texas State Board of Examiners of Professional Counselors: Sarah Abraham, Fort Bend County; Glynda Beth Corley, Williamson County; Lauren Polunsky Dreszer, Bexar County; Hoc Etienne Nguyen, Harris County.

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Deuell gave notice that he would tomorrow at the conclusion of morning call submit to the Senate for consideration nominations to agencies, boards, and commissions of the state.

CONCLUSION OF MORNING CALL

The Presiding Officer at 11:19 a.m. announced the conclusion of morning call.

**COMMITTEE SUBSTITUTE
SENATE BILL 449 ON SECOND READING**

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 449** at this time on its second reading:

CSSB 449, Relating to the appraisal for ad valorem tax purposes of open-space land devoted to water stewardship purposes on the basis of its productive capacity.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 449 ON THIRD READING**

Senator Watson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 449** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 449**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 449** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE JOINT RESOLUTION 16 ON SECOND READING

On motion of Senator Estes and by unanimous consent, the regular order of business was suspended to take up for consideration **SJR 16** at this time on its second reading:

SJR 16, Proposing a constitutional amendment providing for the appraisal for ad valorem tax purposes of open-space land devoted to water-stewardship purposes on the basis of its productive capacity.

The resolution was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE JOINT RESOLUTION 16 ON THIRD READING

Senator Estes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SJR 16** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SJR 16**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SJR 16** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The resolution was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE SENATE BILL 758 ON SECOND READING

On motion of Senator Deuell and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 758** at this time on its second reading:

CSSB 758, Relating to sales and use tax information provided to certain local governmental entities.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 758 ON THIRD READING**

Senator Deuell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 758** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 758**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 758** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 904 ON SECOND READING**

On motion of Senator Patrick and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 904** at this time on its second reading:

CSSB 904, Relating to the eligibility of certain citizens residing outside the United States to vote a full ballot.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 904 ON THIRD READING**

Senator Patrick moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 904** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 904**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 904** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1349 ON SECOND READING

On motion of Senator Van de Putte and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1349** at this time on its second reading:

SB 1349, Relating to a requirement that a person hold a license issued by the appropriate state agency to be employed as a marriage and family therapist by a school district.

The bill was read second time.

Senator Van de Putte offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 1349** (senate committee printing) as follows:

- (1) In SECTION 1 of the bill, in amended Section 21.003(b), Education Code (page 1, line 24), strike "services" and substitute "as defined by Section 502.002, Occupations Code,".
- (2) In SECTION 1 of the bill, in amended Section 21.003(b), Education Code (page 1, line 27), strike "services".

The amendment to **SB 1349** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Van de Putte and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

SB 1349 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 1349 ON THIRD READING

Senator Van de Putte moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1349** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 1349**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 1349** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1304 ON SECOND READING

Senator Rodriguez moved to suspend the regular order of business to take up for consideration **SB 1304** at this time on its second reading:

SB 1304, Relating to requiring financial disclosure concerning reports prepared by public institutions of higher education for other entities.

The motion prevailed.

Senators Harris and Shapiro asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to engrossment by the following vote: Yeas 29, Nays 2.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Harris, Shapiro.

SENATE BILL 1304 ON THIRD READING

Senator Rodriguez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1304** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 3.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Harris, Shapiro, Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 1304**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 1304** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Harris, Shapiro.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Tuesday, April 12, 2011 - 2

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

SB 115 Uresti Sponsor: Gallego
Relating to limiting the liability of space flight entities.

SB 569 Jackson Sponsor: Taylor, Larry
Relating to the rates charged by certain conservation and reclamation districts for potable water or wastewater service to recreational vehicle parks.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

GUESTS PRESENTED

Senator Hegar, joined by Senator Whitmire, was recognized and introduced to the Senate a Juvenile Justice Association of Texas delegation.

The Senate welcomed its guests.

**COMMITTEE SUBSTITUTE
SENATE BILL 1490 ON SECOND READING**

On motion of Senator Uresti and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1490** at this time on its second reading:

CSSB 1490, Relating to the recording of proceedings and the issuance of a warrant to take physical custody of a child in certain suits affecting the parent-child relationship; creating an offense.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1490 ON THIRD READING**

Senator Uresti moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1490** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1490**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1490** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

(President in Chair)

COMMITTEE SUBSTITUTE SENATE BILL 694 ON SECOND READING

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 694** at this time on its second reading:

CSSB 694, Relating to the regulation of metal recycling entities; providing penalties.

The bill was read second time.

Senator West offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 694** (senate committee report) as follows:

(1) In SECTION 5 of the bill, in amended Section 1956.015(d), Occupations Code (page 3, line 16), strike "The" and substitute "The department may use information provided under this section for law enforcement purposes. Except as provided by this subsection, the".

(2) In SECTION 8 of the bill, in amended Section 1956.032(a)(3)(B), Occupations Code (page 4, line 38), following the underlined semicolon, add "and".

(3) In SECTION 8 of the bill, in added Section 1956.032(a)(4)(D), Occupations Code (page 4, line 53), strike "; and" and substitute "."

(4) In SECTION 8 of the bill, strike added Section 1956.032(a)(5), Occupations Code (page 4, lines 54-60).

(5) In SECTION 9 of the bill, in added Section 1956.033(b)(6)(D), Occupations Code (page 5, line 34), following the underlined semicolon, add "and".

(6) In SECTION 9 of the bill, strike added Sections 1956.033(b)(7) and (8), Occupations Code (page 5, lines 35-38), and substitute the following:

(7) a copy of the documentation described by Section 1956.032(g) [Section 1956.032(a)(3)].

(7) Add the following appropriately numbered SECTION to the bill:

SECTION _____. Subchapter A-3, Chapter 1956, Occupations Code, is amended by adding Section 1956.0331 to read as follows:

Sec. 1956.0331. PHOTOGRAPH OR RECORDING REQUIREMENT FOR REGULATED METAL TRANSACTION. (a) In addition to the requirements of Sections 1956.032 and 1956.033, for each purchase by a metal recycling entity of an item of regulated metal, the entity shall obtain a digital photograph or video recording that accurately depicts the seller's entire face, and each type of regulated metal purchased.

(b) A metal recycling entity shall preserve a photograph or recording required under Subsection (a) as follows:

(1) for a video recording, until the 91st day after the date of the transaction;
and

(2) for a digital photograph, until the 181st day after the date of the transaction.

(c) The photograph or recording must be made available for inspection as provided by Section 1956.035 not later than 72 hours after the time of purchase.

(8) In SECTION 11 of the bill, strike amended Sections 1956.035(a)(1) and (2), Occupations Code (page 5, lines 55-56), and substitute the following:

(1) a record required by Section 1956.033; [or]

(2) a digital photograph or video recording required by Section 1956.0331;

or

(3) regulated material in the entity's possession.

(9) In SECTION 11 of the bill, strike amended Section 1956.035(b), Occupations Code (page 5, lines 57-61), and substitute the following:

(b) The person seeking to inspect a record or material [~~inspecting officer~~] shall:

(1) inform the entity of the officer's status as a peace officer; or

(2) if the person is a representative of the department or a representative of a county, municipality, or other political subdivision, inform the entity of the person's status and display to the entity an identification document or other appropriate documentation establishing the person's status as a representative of the department or of the appropriate county, municipality, or political subdivision.

(10) Strike SECTION 13 of the bill, amending Section 1956.037(a), Occupations Code (page 6, lines 34-55).

(11) In SECTION 15 of the bill, strike added Section 1956.040(a-1), Occupations Code (page 7, lines 57-65), and substitute the following:

(a-1) A person commits an offense if the person knowingly violates Section 1956.021, 1956.023(d), 1956.036(a), or 1956.039.

(12) Renumber the SECTIONS of the bill accordingly.

The amendment to **CSSB 694** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator West and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 694 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 694 ON THIRD READING

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 694** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 694**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 694** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

BILLS SIGNED

The President announced the signing of the following enrolled bills in the presence of the Senate after the captions had been read:

SB 24, SB 37, SB 351, SB 582.

SENATE BILL 746 ON SECOND READING

On motion of Senator Davis and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 746** at this time on its second reading:

SB 746, Relating to membership of the state continuing advisory committee for special education services.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 746 ON THIRD READING

Senator Davis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 746** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 746**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 746** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 202 ON SECOND READING**

Senator Shapiro moved to suspend the regular order of business to take up for consideration **CSSB 202** at this time on its second reading:

CSSB 202, Relating to achievement benchmarks in fiscal notes and to legislative review of those benchmarks.

The motion prevailed.

Senators Van de Putte and Zaffirini asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Ellis offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 202** in SECTION 1 of the bill, added Section 314.006, Government Code (page 1, senate committee printing), as follows:

(1) In Subsection (a) (line 16), between "(a)" and "The", insert:

In this section, "tax preference" means a credit, discount, exclusion, exemption, refund, special valuation, special accounting treatment, special rate, or special method of reporting authorized by state law that relates to a state or local tax imposed in this state.

(b)

(2) In Subsection (a) (line 18), between "state funds" and the underscored colon, insert:

or that authorizes or otherwise provides for a tax preference

(3) At the beginning of Subsection (b) (line 23), strike "(b)" and substitute "(c)".

(4) In Subsection (b) (line 24), strike "Subsection (a)" and substitute "Subsection (b)".

(5) At the beginning of Subsection (c) (line 29), strike "(c)" and substitute "(d)".

(6) In Subsection (c) (line 31), strike "Subsection (a)" and substitute "Subsection (b)".

(7) In Subsection (c) (line 34), between "Committee, and" and "the House Appropriations" insert ", as applicable, the House Ways and Means Committee or".

(8) Strike the text of Subsection (d) from the beginning of the subsection through the underscored colon before Subdivision (1) (lines 37 through 41) and substitute:

(e) If the report submitted under Subsection (d) indicates that the board finds a benchmark has not been met, the Senate Finance Committee together with the House Appropriations Committee, for a bill that authorizes or requires the expenditure or diversion of state funds, or the House Ways and Means Committee, for a bill that authorizes or otherwise provides for a tax preference, shall review the statutes enacted or amended by the bill to determine whether:

(9) In Subsection (d)(1) (line 43), between "bill" and the underscored semicolon, insert "or, if applicable, whether the authorization of or other provision for a tax preference should be continued to further the purposes of the bill".

(10) At the beginning of Subsection (e) (line 46), strike "(e)" and substitute "(f)".

(11) In Subsection (e) (line 47), strike "Subsection (c)" and substitute "Subsection (d)".

(12) At the beginning of Subsection (f) (line 52), strike "(f)" and substitute "(g)".

The amendment to **CSSB 202** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Shapiro and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 202 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Van de Putte, Zaffirini.

COMMITTEE SUBSTITUTE SENATE BILL 202 ON THIRD READING

Senator Shapiro moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 202** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 3.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Watson, West, Whitmire, Williams.

Nays: Van de Putte, Wentworth, Zaffirini.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 202**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 202** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Watson, Wentworth, West, Whitmire, Williams.

Nays: Van de Putte, Zaffirini.

**NOTICE GIVEN FOR
LOCAL AND UNCONTESTED CALENDAR**

Senator Eltife announced that a Local and Uncontested Calendar had been furnished to each Member of the Senate. He then gave notice that the Local and Uncontested Calendar Session would be held at 8:00 a.m. Thursday, April 14, 2011, and that all bills and resolutions would be considered on second and third reading in the order in which they were listed.

**SENATE RULES SUSPENDED
(Posting Rules)**

On motion of Senator Shapiro and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Education might meet and consider the following bills today:

SB 866, SB 1113, SB 1543, SB 1619, SB 3.

**SENATE RULES SUSPENDED
(Posting Rules)**

On motion of Senator Duncan and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on State Affairs might meet and consider the following bills today: **SB 1565, HB 15.**

**SENATE RULE 11.10(a) SUSPENDED
(Public Notice of Committee Meetings)**

On motion of Senator Carona and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on Business and Commerce might meet today.

CO-AUTHOR OF SENATE BILL 34

On motion of Senator Zaffirini, Senator Harris will be shown as Co-author of **SB 34.**

CO-AUTHOR OF SENATE BILL 715

On motion of Senator Harris, Senator Davis will be shown as Co-author of **SB 715.**

CO-AUTHOR OF SENATE BILL 1002

On motion of Senator Van de Putte, Senator Patrick will be shown as Co-author of **SB 1002.**

CO-AUTHOR OF SENATE BILL 1310

On motion of Senator Shapiro, Senator Harris will be shown as Co-author of **SB 1310.**

CO-AUTHOR OF SENATE BILL 1689

On motion of Senator Duncan, Senator Seliger will be shown as Co-author of **SB 1689.**

CO-AUTHOR OF SENATE BILL 1692

On motion of Senator Lucio, Senator Birdwell will be shown as Co-author of **SB 1692**.

CO-AUTHOR OF SENATE BILL 1736

On motion of Senator Van de Putte, Senator Davis will be shown as Co-author of **SB 1736**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolution

SR 756 by Van de Putte, In memory of Glenda Salazar Saucedo of San Antonio.

Welcome and Congratulatory Resolutions

SR 747 by Watson, Welcoming World War II veterans from the 506th Fighter Group of the 7th Army Air Force on the occasion of their visit to the State Capitol.

SR 749 by Ellis, Recognizing the American Baptist Southeast District Association on the occasion of its Inaugural Session.

SR 750 by Watson, Recognizing Boy Scout Troop 1 in Austin on the occasion of its 100th anniversary.

SR 751 by Watson, Commending Huston-Tillotson University on its choice to be a tobacco-free campus.

SR 752 by Watson, Recognizing Austan Librach on the occasion of his retirement from the City of Austin.

SR 753 by Van de Putte, Recognizing Geri Berger for being named the 2011 Texas High School Principal of the Year by the Texas Association of Secondary School Principals.

SR 754 by Van de Putte, Recognizing Ernest Casillas for driving one million accident-free miles.

ADJOURNMENT

On motion of Senator Eltife, the Senate at 12:02 p.m. adjourned until 11:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Secretary of the Senate in the order listed:

April 12, 2011

FINANCE — **CSSB 1179**

INTERGOVERNMENTAL RELATIONS — **CSSB 768**

VETERAN AFFAIRS AND MILITARY INSTALLATIONS — **CSHB 74, CSSB 1477**

OPEN GOVERNMENT — **CSSB 375, CSSB 602, CSSB 1130, CSSB 1269, CSSB 1442**

CRIMINAL JUSTICE — **CSSB 1680**

TRANSPORTATION AND HOMELAND SECURITY — **SCR 36, SB 896, SB 1043, SB 1096, SB 1100, SB 1311, SB 1831**

STATE AFFAIRS — **CSSB 1216**

INTERGOVERNMENTAL RELATIONS — **CSSB 942**

BILLS ENGROSSED

April 11, 2011

SB 663, SB 688, SB 776, SB 1019, SB 1195, SB 1416, SB 1625, SB 1701

BILLS AND RESOLUTIONS ENROLLED

April 11, 2011

SB 24, SB 37, SB 351, SB 582, SR 737, SR 738, SR 739, SR 740, SR 741, SR 743, SR 744, SR 745

SENT TO GOVERNOR

April 12, 2011

SB 24, SB 37, SB 351, SB 582

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FORTY-SECOND DAY

(Wednesday, April 13, 2011)

The Senate met at 11:10 a.m. pursuant to adjournment and was called to order by Senator Eltife.

The roll was called and the following Senators were present: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

The Presiding Officer announced that a quorum of the Senate was present.

The Reverend James L. Barnes, University Assembly of God, Waxahachie, was introduced by Senator Birdwell and offered the invocation as follows:

We pray for this 82nd Texas Legislature, calling upon You for wisdom to make wise decisions for our State of Texas and the people we serve. We confess that we are not wise enough by ourselves to solve the many problems before us. We ask for Your guidance by divine providence to help us make proper choices for the future of our state to meet the needs of our citizens. We thank You for listening to our prayers and for Your mercy and grace that we receive from You each day. Amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of the previous day be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

SENATE RESOLUTION 690

Senator Wentworth offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to join the Daughters of the Republic of Texas in celebrating the 175th anniversary of the decisive events that shaped the republic's creation; and

WHEREAS, The late winter and spring of 1836 saw the rise of the hopes of Texans for liberty and independence from Mexico; delegates signed the Texas Declaration of Independence on March 2, 1836, affirming the principles of self-determination and proclaiming the creation of a free and sovereign Texas; and

WHEREAS, Following a 13-day siege by the army of General Santa Anna, the Alamo fell on March 6, 1836, providing a rallying cry for the troops of General Sam Houston, whose defeat of the Mexican army at the Battle of San Jacinto on April 21, 1836, led to the establishment of the Republic of Texas; and

WHEREAS, For the last 106 years, the Daughters of the Republic of Texas have served as caretakers of the Alamo and its historic legacy; this outstanding organization has diligently perpetuated the memory of the Texas pioneer families and soldiers whose determined efforts and sacrifices 175 years ago laid the groundwork for the founding of the Republic of Texas; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby commend the Daughters of the Republic of Texas for their outstanding stewardship of the Alamo and call on all Texans to commemorate the seminal events of 1836 that led to Texas' independence 175 years ago; and, be it further

RESOLVED, That a copy of this Resolution be prepared in honor of these historic events.

SR 690 was again read.

The resolution was previously adopted on Monday, April 4, 2011.

GUESTS PRESENTED

Senator Wentworth was recognized and introduced to the Senate a delegation from the Daughters of the Republic of Texas: Patti Atkins, President General; Karen Thompson, Historian General; Carolyn Reed, District VIII Representative; and Melinda Navarro.

The Senate welcomed its guests.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Wednesday, April 13, 2011 - 1

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HB 377 McClendon
Relating to the expenditure of money from the general revenue fund for rail projects.

HB 634 McClendon
Relating to toll project information provided by the Texas Department of Transportation.

HB 726 Sheffield
Relating to the electronic distribution of information to legislators by state agencies.

HB 1422 Truitt
 Relating to the issuance of titles for certain motor vehicles that are the subject of insurance claims.

HCR 134 Craddick
 Declaring Lamesa the Legendary Home of the Chicken-fried Steak.

SB 312 Seliger Sponsor: Keffer
 Relating to the exemption of certain electric cooperatives from certain regulations.

SB 333 Fraser Sponsor: King, Tracy O.
 Relating to election procedures and qualifications of members of boards of directors for water supply or sewer service corporations.
 (Amended)

SB 716 Harris Sponsor: Jackson, Jim
 Relating to the periodic review of the child support guidelines.

Respectfully,
 /s/Robert Haney, Chief Clerk
 House of Representatives

SENATE RESOLUTION 755

Senator West offered the following resolution:

WHEREAS, The Senate of the State of Texas takes great pride in joining the Texas Association of Counties in recognizing April 13, 2011, as County Government Day at the Capitol; and

WHEREAS, The week of April 11 through 15, 2011, is being observed by the National Association of Counties as National County Government Week to provide the nation's citizens with an opportunity to honor the many contributions made by county governments; and

WHEREAS, The oldest form of local government in the United States, county government addresses many critical issues, including environmental protection, indigent health care, special assistance for the elderly, job training, and public safety; and

WHEREAS, There are 254 counties in Texas, and those dedicated individuals who serve our counties as elected or appointed officials not only work diligently to meet the needs of citizens without placing an undue burden on taxpayers but also commit themselves to finding solutions to problems that will benefit all Texans; and

WHEREAS, The Texas Association of Counties encourages citizens across the state to observe National County Government Week by learning more about this vital form of local government and the many ways in which it serves the public; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 81st Legislature, hereby commend the county officials of this state for their countless contributions to Texas and welcome members of the Texas Association of Counties to the State Capitol; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the Texas Association of Counties in honor of County Government Day at the Capitol and as an expression of esteem from the Texas Senate.

SR 755 was read and was adopted without objection.

GUESTS PRESENTED

Senator West was recognized and introduced to the Senate a Texas Association of Counties delegation: Vernon Cook, Bruce Elfant, and Don Allred.

The Senate welcomed its guests.

SENATE RESOLUTION 684

Senator Zaffirini offered the following resolution:

WHEREAS, Residents of Live Oak County are gathering in Austin on April 13, 2011, to share their justifiable pride in their unique part of the Lone Star State; and

WHEREAS, In the years before the land became part of Texas, the area now known as Live Oak County was home to Native American tribes, Spanish and Mexican colonists, and Irish immigrants, and this rich cultural diversity has greatly influenced the development of the area; and

WHEREAS, The county was created on February 2, 1856, from San Patricio and Nueces Counties and was named after the imposing and majestic live oaks that grew throughout much of the region; and

WHEREAS, The rugged beauty of Live Oak County's brushy plains is complemented by the Frio, Nueces, and Atascosa Rivers, and admirers of the Texas landscape are drawn to such attractions as Lake Corpus Christi and Choke Canyon State Park; and

WHEREAS, Area revenue originally came from sheep, cattle, and cotton, but later was diversified by the discovery of oil and natural gas in the county in the 1930s and by the discovery of uranium in the 1960s; and

WHEREAS, In addition to George West, the county seat, the communities located in Live Oak County include Three Rivers, Dinero, Lagarto, Oakville, Permitas Point, and Whitsett, and residents of these towns join in honoring their distinctive part of Texas; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby recognize April 13, 2011, as Live Oak County Day at the State Capitol and extend to all those associated with this event best wishes for a meaningful and memorable day; and, be it further

RESOLVED, That a copy of this Resolution be prepared in honor of this occasion.

SR 684 was again read.

The resolution was previously adopted on Thursday, March 31, 2011.

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate a Live Oak County delegation: County Judge Jim Huff; Commissioner Donna Mills; County Auditor Tragina Smith; her son, Preston; and Allen Zamzow.

The Senate welcomed its guests.

SENATE RESOLUTION 758

Senator Lucio offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to designate Wednesday, April 13, 2011, as Texas Bow Tie Day at the Capitol; and

WHEREAS, Texas Bow Tie Day at the Capitol is a joint effort organized to highlight the benefits of bipartisan collaboration while raising funds for cancer research and survivorship; sponsored by Senator Eddie Lucio and Railroad Commissioner Michael Williams, this exceptional occasion serves as a model of bipartisan cooperation for a worthy cause; and

WHEREAS, Wednesday has long been a day associated with bow ties in the halls of the Capitol, and Senator Lucio has played a leading role in furthering this tradition of sartorial elegance for almost two decades; and

WHEREAS, To commemorate the collaborative theme of this event, a special bow tie has been designed by Bow Ties for a Cause, a charity founded by Cincinnati Bengals linebacker Dhani Jones, who has also become known for wearing bow ties since he first wore one on the advice of, and in honor of, his friend, Kunta Littlejohn, who was fighting to recover from cancer; and

WHEREAS, The tie for Texas Bow Tie Day was designed to symbolically combine red and blue, the colors representing each side of the political spectrum, to create a purple bow tie that signifies cooperation and bipartisanship; and

WHEREAS, It is truly fitting that a day be set aside at the Capitol to acknowledge the importance of collaboration and cooperation in service of the greater good; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby commend Senator Lucio and Railroad Commissioner Williams on their commitment to seeking common ground and extend best wishes to all those involved for a successful and memorable Texas Bow Tie Day at the Capitol; and, be it further

RESOLVED, That a copy of this Resolution be prepared in honor of this special day.

SR 758 was read and was adopted without objection.

GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate Bow Tie Day representatives: Dhani Jones, Potomac, Maryland; Kunta Littlejohn, Philadelphia, Pennsylvania; Quan Cosby, Tampa, Florida; and James Frinzi, Austin, Texas.

The Senate welcomed its guests.

HOUSE CONCURRENT RESOLUTIONS

The Presiding Officer laid before the Senate the following resolutions:

HCR 64, Recognizing April 13, 2011, as Leadership Highland Lakes Day at the State Capitol.

FRASER

The resolution was again read.

HCR 65, Recognizing April 13, 2011, as Leadership Killeen Day at the State Capitol.

FRASER

The resolution was again read.

HCR 64 and **HCR 65** were previously adopted on Monday, April 4, 2011.

GUESTS PRESENTED

Senator Fraser was recognized and introduced to the Senate delegations from Leadership Highland Lakes and Leadership Killeen.

The Senate welcomed its guests.

SENATE RESOLUTION 689

Senator Fraser, on behalf of Senator Ogden, offered the following resolution:

SR 689, Recognizing April 13, 2011, as Williamson County Day at the State Capitol.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Fraser, on behalf of Senator Ogden, was recognized and introduced to the Senate a Williamson County delegation: Bob Lemon, Mayor of Cedar Park; Debbie Holland, Mayor Pro Tempore of Hutto; Kris Whitfield, Councilmember of Round Rock; Christopher Gonzales, Sr., Councilmember of Taylor; and Karen Sheldon, Vice-president, Georgetown Chamber of Commerce.

The Senate welcomed its guests.

INTRODUCTION OF BILLS AND RESOLUTIONS POSTPONED

The Presiding Officer announced that the introduction of bills and resolutions on first reading would be postponed until the end of today's session.

There was no objection.

SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

The Presiding Officer announced the time had arrived to consider executive appointments to agencies, boards, and commissions. Notice of submission of these names for consideration was given yesterday by Senator Deuell.

Senator Deuell moved confirmation of the nominees reported yesterday by the Committee on Nominations.

The Presiding Officer asked if there were requests to sever nominees.

There were no requests offered.

NOMINEES CONFIRMED

The following nominees, as reported by the Committee on Nominations, were confirmed by the following vote: Yeas 31, Nays 0.

Members, Board of Directors, Brazos River Authority: Christopher S. Adams, Hood County; Cynthia Olson Bourland, Williamson County; Michel Todd Brashears, Lubbock County; Robert Manning Christian, Leon County; Christopher Douglas DeCluitt, McLennan County; Carolyn Harper Johnson, Brazoria County; Roberta Jean Killgore, Burleson County; William Arthur Masterson, King County; Jeffrey Scott Tallas, Fort Bend County.

Members, Credit Union Commission: Manuel Cavazos, Travis County; Rob Kyker, Dallas County; Sherri Kay Brannon Merket, Midland County; Gary Don Tuma, Fort Bend County.

Members, Board of Directors, Guadalupe-Blanco River Authority: Robert E. Brockman, Comal County; Oscar Howard Fogle, Caldwell County; Arlene N. Marshall, Calhoun County; Thomas Owen Mathews, Kendall County; Myrna Patterson McLeroy, Gonzales County; Dennis Lynn Patillo, Victoria County.

Members, Manufactured Housing Board: Michael Horst Bray, El Paso County; Anthony George Burks, Tarrant County.

Members, Public Safety Commission: Anne Cynthia Leon, Hidalgo County; Allan B. Polunsky, Bexar County.

Members, Texas Board of Nursing: Deborah Hughes Bell, Taylor County; Mary Margaret LeBeck, Parker County; Beverley Nutall, Brazos County; Verna Kathleen Shipp, Lubbock County.

Members, Texas Industrialized Building Code Council: Robert L. Bowling, El Paso County; Roland Lee Brown, Ellis County; Joe D. Campos, Dallas County; Randall Reddin Childers, McLennan County; Amy Dempsey, Travis County; Martin J. Garza, Bexar County; Scott Alexander McDonald, Randall County; Mark Remmert, Williamson County; Jesse Rider, Smith County; Douglas Owen Robinson, Dallas County; Rolando Romeo Rubiano, Cameron County; Larry E. Wilkinson, Galveston County.

Members, Texas State Board of Examiners of Professional Counselors: Sarah Abraham, Fort Bend County; Glynda Beth Corley, Williamson County; Lauren Polunsky Dreszer, Bexar County; Hoc Etienne Nguyen, Harris County.

(President in Chair)

ACKNOWLEDGMENT

The President acknowledged the presence of Mark A. Darr, Lieutenant Governor of Arkansas.

The Senate welcomed its guest.

CONCLUSION OF MORNING CALL

The President at 12:00 p.m. announced the conclusion of morning call.

SENATE BILL 1361 ON SECOND READING

On motion of Senator Estes and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1361** at this time on its second reading:

SB 1361, Relating to the audit report exemption for certain general and special law districts.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 1361 ON THIRD READING

Senator Estes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1361** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 1361**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 1361** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1010 ON SECOND READING

On motion of Senator Huffman and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1010** at this time on its second reading:

SB 1010, Relating to providing a victim, guardian of a victim, or close relative of a deceased victim with notice of a plea bargain agreement in certain criminal cases.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 1010 ON THIRD READING

Senator Huffman moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1010** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 1010**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 1010** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

BILLS SIGNED

The President announced the signing of the following enrolled bills in the presence of the Senate after the captions had been read: **SB 115, SB 569.**

SENATE BILL 1341 ON SECOND READING

On motion of Senator Seliger and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1341** at this time on its second reading:

SB 1341, Relating to the participation by a taxing unit in a suit to compel an appraisal review board to order a change in an appraisal roll.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 1341 ON THIRD READING

Senator Seliger moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1341** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 1341**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 1341** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 652 ON SECOND READING**

On motion of Senator Hegar and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 652** at this time on its second reading:

CSSB 652, Relating to governmental entities subject to the sunset review process.

The bill was read second time.

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 652** (Introduced version, page 1, lines 20-23) by striking SECTION 1.02 of the bill.

The amendment to **CSSB 652** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

Senator Ellis offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 652** by adding the following appropriately numbered section to Article 1 of the bill and renumbering the remaining sections of Article 1 as appropriate:

SECTION ____. STATE BOARD OF EDUCATION. Subchapter D, Chapter 7, Education Code, is amended by adding Section 7.114 to read as follows:

Sec. 7.114. SUNSET PROVISION. The State Board of Education is subject to review under Chapter 325, Government Code (Texas Sunset Act), but is not abolished under that chapter. The board shall be reviewed during the periods in which state agencies scheduled to be abolished in 2013 and every 12th year after that year are reviewed.

The amendment to **CSSB 652** was read.

On motion of Senator Hegar, Floor Amendment No. 2 was tabled by the following vote: Yeas 19, Nays 12.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Wentworth, Williams.

Nays: Davis, Ellis, Gallegos, Hinojosa, Lucio, Rodriguez, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

On motion of Senator Hegar and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 652 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 652 ON THIRD READING**

Senator Hegar moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 652** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 652**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has

already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 652** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE SENATE BILL 1846 ON SECOND READING

On motion of Senator Lucio and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1846** at this time on its second reading:

CSSB 1846, Relating to organizations that are covered by the Charitable Immunity and Liability Act of 1987.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 1846 ON THIRD READING

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1846** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1846**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1846** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed.

Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**MOTION TO PLACE
SENATE BILL 1617 ON SECOND READING**

Senator Harris moved to suspend the regular order of business to take up for consideration **SB 1617** at this time on its second reading:

SB 1617, Relating to the discretionary transfer from a juvenile court to a criminal court of certain alleged offenses arising out of a single criminal transaction.

Senator Harris withdrew the motion to suspend the regular order of business.

SENATE BILL 1273 ON SECOND READING

On motion of Senator Williams and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1273** at this time on its second reading:

SB 1273, Relating to the lawful manufacture, distribution, and possession of and prescriptions for controlled substances under the Texas Controlled Substances Act.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 1273 ON THIRD READING

Senator Williams moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1273** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 1273**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 1273** would have occurred on the next legislative day, allowing for Texans to have learned through

news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1301 ON SECOND READING**

On motion of Senator Deuell and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1301** at this time on its second reading:

CSSB 1301, Relating to manufacturers' inclusion of denatonium benzoate in certain products containing ethylene glycol.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1301 ON THIRD READING**

Senator Deuell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1301** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1301**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1301** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 916 ON SECOND READING**

On motion of Senator Wentworth and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 916** at this time on its second reading:

CSSB 916, Relating to ad valorem tax lien transfers.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1630 ON SECOND READING**

On motion of Senator Birdwell and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1630** at this time on its second reading:

CSSB 1630, Relating to the regulation of residential appliance installation, including pool-related electrical devices, under the Texas Electrical Safety and Licensing Act.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1630 ON THIRD READING**

Senator Birdwell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1630** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1630**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1630** would

have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1154 ON SECOND READING

On motion of Senator Uresti and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1154** at this time on its second reading:

SB 1154, Relating to a task force for the development of a strategy to reduce child abuse and neglect and improve child welfare.

The bill was read second time.

Senator Uresti offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 1154** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, strike added Section 264.722(a), Family Code (page 1, lines 18-24), and substitute the following:

(a) The task force consists of nine members appointed as follows:

(1) seven members appointed by the governor, two of whom must be appointed from a list of candidates submitted by the speaker of the house of representatives; and

(2) two members appointed by the lieutenant governor.

(2) In SECTION 2 of the bill (page 2, lines 55 and 56), strike "governor, lieutenant governor, and speaker of the house of representatives" and substitute "governor and lieutenant governor".

The amendment to **SB 1154** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Uresti and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

SB 1154 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 1154 ON THIRD READING

Senator Uresti moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1154** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 1154**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 1154** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE SENATE BILL 1612 ON SECOND READING

On motion of Senator Ogden and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1612** at this time on its second reading:

CSSB 1612, Relating to the monitoring, oversight, and funding of certain public retirement systems.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 1612 ON THIRD READING

Senator Ogden moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1612** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1612**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1612** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE SENATE BILL 932 ON SECOND READING

On motion of Senator Williams and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 932** at this time on its second reading:

CSSB 932, Relating to oyster beds and shells and an oyster shell recovery and replacement program.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 932 ON THIRD READING

Senator Williams moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 932** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 932**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 932** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1354 REREFERRED (Motion In Writing)

Senator Carona submitted a Motion In Writing requesting that **SB 1354** be withdrawn from the Committee on Transportation and Homeland Security and rereferred to the Committee on Intergovernmental Relations.

The Motion In Writing prevailed without objection.

(Senator Eltife in Chair)

SENATE BILL 496 ON SECOND READING

On motion of Senator Fraser and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 496** at this time on its second reading:

SB 496, Relating to the punishment for the offense of evading arrest or detention.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 496 ON THIRD READING

Senator Fraser moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 496** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 496**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 496** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE SENATE BILL 653 ON SECOND READING

On motion of Senator Whitmire and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 653** at this time on its second reading:

CSSB 653, Relating to abolishing the Texas Youth Commission and the Texas Juvenile Probation Commission and transferring the powers and duties of those agencies to the newly created Texas Juvenile Justice Department and to the functions of the independent ombudsman for the Texas Youth Commission.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 653 ON THIRD READING

Senator Whitmire moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 653** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 653**, because in my judgment no circumstance exists in this case to justify the

extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 653** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE SENATE BILL 218 ON SECOND READING

On motion of Senator Nelson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 218** at this time on its second reading:

CSSB 218, Relating to procedures in certain suits affecting the parent-child relationship and the operation of the child protective services and foster care systems.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 218 ON THIRD READING

Senator Nelson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 218** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 218**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 218** would

have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

MOTION TO PLACE SENATE BILL 152 ON SECOND READING

Senator Huffman moved to suspend the regular order of business to take up for consideration **SB 152** at this time on its second reading:

SB 152, Relating to the admissibility of evidence of other similar offenses in the prosecution of certain sexual offenses.

Senator Huffman withdrew the motion to suspend the regular order of business.

SENATE BILL 898 ON SECOND READING

Senator Carona moved to suspend the regular order of business to take up for consideration **SB 898** at this time on its second reading:

SB 898, Relating to energy efficiency programs in institutions of higher education and certain governmental entities.

The motion prevailed.

Senators Birdwell, Estes, Fraser, Harris, Hegar, Nichols, Patrick, and Shapiro asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Carona offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 898** (Senate committee printing) in SECTION 1 of the bill by striking amended Section 388.005(d), Health and Safety Code (lines 18-28), and substituting:

(d) A political subdivision, institution of higher education, or state agency that does not attain the goals established under Subsection (c) must include in the report required by Subsection (e) justification that the entity has already implemented all available cost-effective measures. An entity that submits a report under this subsection indicating that the entity has reviewed its available options, has determined that no additional measures are cost-effective, and [it] has already implemented all available cost-effective measures is exempt from the annual reporting requirement of Subsection (e) if a subsequent report would indicate no change in status. An entity may be required to provide notice that it is exempt to the State Energy Conservation Office.

The amendment to **SB 898** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Carona and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

SB 898 as amended was passed to engrossment by the following vote: Yeas 23, Nays 8.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Gallegos, Hinojosa, Huffman, Jackson, Lucio, Nelson, Ogden, Rodriguez, Seliger, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Estes, Fraser, Harris, Hegar, Nichols, Patrick, Shapiro.

SENATE BILL 917 ON SECOND READING

On motion of Senator Wentworth and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 917** at this time on its second reading:

SB 917, Relating to emergency service districts.

The bill was read second time.

Senator Wentworth offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 917** (senate committee report) as follows:

(1) In SECTION 5 of the bill, in added Section 775.0365, Health and Safety Code (page 3, between lines 34 and 35), add the following subsection:

(h) The department shall set a fee for the training course in an amount reasonably necessary to recover costs associated with developing and implementing the training program.

(2) In SECTION 12 of the bill, in added Section 776.0355, Health and Safety Code (page 5, between lines 45 and 46), add the following subsection:

(h) The department shall set a fee for the training course in an amount reasonably necessary to recover costs associated with developing and implementing the training program.

The amendment to **SB 917** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Wentworth and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

SB 917 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 127 ON SECOND READING

Senator Patrick moved to suspend the regular order of business to take up for consideration **CSSB 127** at this time on its second reading:

CSSB 127, Relating to the establishment, operation, and funding of charter schools; providing administrative penalties.

The motion prevailed.

Senators Gallegos, Lucio, Nichols, Rodriguez, Van de Putte, West, and Zaffirini asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Davis offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 127** (senate committee printing) as follows:

(1) Between the enacting clause and SECTION 1 of the bill (page 1, between lines 12 and 13), add the following appropriately numbered new SECTION to the bill: SECTION _____. The heading to Section 12.101, Education Code, is amended to read as follows:

Sec. 12.101. AUTHORIZATION FOR LICENSE.

(2) In existing SECTION 1 of the bill, strike the recital (page 1, lines 13-15), and substitute "Section 12.101, Education Code, is amended by amending Subsections (a), (b), and (d) and adding Subsections (e) and (f) to read as follows:"

(3) In existing SECTION 1 of the bill, between the recital and amended Section 12.101(b), Education Code (page 1, between lines 15 and 16), insert the following:

(a) In accordance with this subchapter, the State Board of Education may issue [~~grant~~] a license [~~charter~~] on the application of an eligible entity for an open-enrollment charter school to operate in a facility of a commercial or nonprofit entity, an eligible entity, or a school district, including a home-rule school district. In this subsection, "eligible entity" means:

(1) an institution of higher education as defined under Section 61.003;

(2) a private or independent institution of higher education as defined under Section 61.003;

(3) an organization that is exempt from taxation under Section 501(c)(3), Internal Revenue Code of 1986 (26 U.S.C. Section 501(c)(3)); or

(4) a governmental entity.

(4) In existing SECTION 1 of the bill, in amended Section 12.101(b), Education Code (page 1, line 17), strike "grant a charter" and substitute "issue [~~grant~~] a license [~~charter~~]".

(5) In existing SECTION 1 of the bill, in amended Section 12.101(b), Education Code (page 1, line 22), strike "may not grant [~~a total of~~]" and substitute "may not issue [~~grant a total of~~]".

(6) In existing SECTION 1 of the bill, in amended Section 12.101(b), Education Code (page 1, line 23), strike "10 new [~~215~~] charters for an" and substitute "10 new licenses [~~215 charters~~] for an".

(7) In existing SECTION 1 of the bill, in amended Section 12.101(b), Education Code (page 1, line 24), strike "number of charters equal" and substitute "number of licenses equal".

(8) In existing SECTION 1 of the bill, strike added Sections 12.101(b-1) and (b-2), Education Code (page 1, lines 27-50), and substitute the following:

(d) An educator employed by a school district before the effective date of a license [charter] for an open-enrollment charter school operated at a school district facility may not be transferred to or employed by the open-enrollment charter school over the educator's objection.

(e) A license holder is subject to any law applicable to a charter holder.

(f) The commissioner shall adopt rules for applying for a license, notification of a license application, the form and content of a license, the basis and a procedure for modification or revocation of license, and any other rules necessary for the issuance and administration of licenses under this subchapter. A rule adopted under this subsection must, to the greatest extent practicable, be consistent with a provision of this subchapter or a rule adopted under this subchapter for the same purpose as applicable to a charter.

(9) In the recital to existing SECTION 2 of the bill (page 1, line 52), strike "Section 12.1011" and substitute "Sections 12.1011 and 12.10111".

(10) In existing SECTION 2 of the bill, in the heading to added Section 12.1011, Education Code (page 1, line 53), strike "GRANT OF CHARTERS" and substitute "ISSUANCE OF LICENSES".

(11) In existing SECTION 2 of the bill, in added Section 12.1011(a), Education Code (page 1, line 55), strike "may grant under Section 12.101 a charter" and substitute "may issue under Section 12.101 a license".

(12) In existing SECTION 2 of the bill, in added Section 12.1011(a), Education Code (page 1, line 59), strike "grant more than two new charters" and substitute "issue more than two new licenses".

(13) In existing SECTION 2 of the bill, in added Section 12.1011(a), Education Code (page 1, line 61), strike "A charter granted" and substitute "A license issued".

(14) In existing SECTION 2 of the bill, in added Section 12.1011(b), Education Code (page 2, line 5), strike "charter is granted" and substitute "license is issued".

(15) Between existing SECTIONS 2 and 3 of the bill (page 2, between lines 14 and 15), insert the following:

Sec. 12.10111. AUTHORIZATION FOR CHARTER. (a) The State Board of Education may grant a charter for an open-enrollment charter school to a license holder under Section 12.101 if:

(1) the open-enrollment charter school for which the license has been issued has been assigned an acceptable performance rating as provided by Subchapter C, Chapter 39, for any two of the preceding three school years;

(2) no campus operating under the license has been assigned an unacceptable performance rating as provided by Subchapter C, Chapter 39, for any two of the three preceding school years or such a campus has been closed; and

(3) the license holder satisfies generally accepted accounting standards of fiscal management.

(b) For purposes of Subsection (a), a license holder is considered to have failed to satisfy generally accepted accounting standards of fiscal management if, after consideration of all information required for determining whether those standards have been satisfied, the commissioner, in accordance with commissioner rule, determines that:

(1) the open-enrollment charter school for which the license has been issued is insolvent as a result of the recovery of over-allocated state funds under Section 42.258(a); or

(2) there is a material weakness in the school's annual financial audit.

(c) Notwithstanding Section 12.101, the State Board of Education may grant a charter for an open-enrollment charter school to an applicant for a charter that has operated one or more charter schools in another state and, as determined by the commissioner in accordance with commissioner rule, has performed well under federal accountability and other appropriate academic and financial criteria.

(d) A charter holder may establish one or more new open-enrollment charter school campuses under a charter without applying for authorization if:

(1) each open-enrollment charter school campus operating under the charter has been assigned an acceptable performance rating as provided by Subchapter C, Chapter 39, for the two preceding school years;

(2) the charter holder satisfies standards of fiscal solvency and financial accountability established by commissioner rule;

(3) the charter holder provides written notice, in the time, manner, and form provided by commissioner rule, to the State Board of Education and the commissioner of the establishment of any campus under this subsection; and

(4) not later than the 90th day after the date the charter holder provides written notice under Subdivision (3), the commissioner does not provide written notice to the charter holder disapproving a new campus under this section.

(e) For purposes of Subsection (d), an open-enrollment charter school campus rated as academically acceptable or higher under Subchapter D, Chapter 39, as that subchapter existed January 1, 2009, for the 2009-2010 or 2010-2011 school year is considered to have been assigned an acceptable performance rating for the applicable school year. This subsection expires January 1, 2015.

SECTION _____. Section 12.1012, Education Code, is amended by adding Subdivision (7) to read as follows:

(7) "License holder" means the entity to which a license is granted under this subchapter.

(16) In existing SECTION 3 of the bill, in added Section 12.110(e), Education Code (page 2, line 18), between "applying for a" and "charter", insert "license or".

(17) In existing SECTION 3 of the bill, in added Section 12.110(e), Education Code (page 2, line 21), strike "proposed charter holder" and substitute "applicant".

(18) In SECTION 4 of the bill, in amended Section 12.1101, Education Code (page 2, line 30), strike "Section 12.101(b-1)" and substitute "Section 12.1011(d)".

(19) In existing SECTION 10 of the bill, in added Section 12.117(c), Education Code (page 4, lines 65-66), strike "charter is granted" and substitute "license is issued".

(20) Between existing SECTIONS 13 and 14 of the bill (page 5, between lines 37 and 38), add the following appropriately numbered new SECTION to the bill:

SECTION _____. Section 12.156, Education Code, is amended to read as follows:

Sec. 12.156. APPLICABILITY OF CERTAIN PROVISIONS. (a) Except as otherwise provided by this subchapter, Subchapter D applies to a college or university charter school or junior college charter school as though the college or university charter school or junior college charter school, as applicable, were issued a license or granted a charter under that subchapter.

(b) A license issued or charter granted under this subchapter is not considered for purposes of the limit on the number of open-enrollment charter schools imposed by Section 12.101(b).

(21) Between existing SECTIONS 14 and 15 of the bill (page 5, between lines 39 and 40), add the following appropriately numbered new SECTION to the bill:

SECTION _____. The amendment of Subchapter D, Chapter 12, Education Code, by this Act, does not affect the status of a charter granted under Subchapter D, Chapter 12, Education Code, before the effective date of this Act and the implementation of licensing under Subchapter D, Chapter 12, Education Code, in accordance with this Act.

(22) Renumber SECTIONS of the bill appropriately.

DAVIS
PATRICK

(President Pro Tempore Ogden in Chair)

The amendment to **CSSB 127** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Patrick and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 127 as amended was passed to engrossment by the following vote: Yeas 25, Nays 6.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Harris, Hegar, Hinojosa, Huffman, Jackson, Nelson, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Watson, Wentworth, Whitmire, Williams.

Nays: Gallegos, Lucio, Nichols, Van de Putte, West, Zaffirini.

**COMMITTEE SUBSTITUTE
SENATE BILL 127 ON THIRD READING**

Senator Patrick moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 127** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 6.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Ogden, Patrick, Seliger, Shapiro, Uresti, Van de Putte, Watson, Whitmire, Williams.

Nays: Gallegos, Nichols, Rodriguez, Wentworth, West, Zaffirini.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 127**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 127** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 24, Nays 7.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Harris, Hegar, Hinojosa, Huffman, Jackson, Nelson, Ogden, Patrick, Seliger, Shapiro, Uresti, Watson, Wentworth, Whitmire, Williams.

Nays: Gallegos, Lucio, Nichols, Rodriguez, Van de Putte, West, Zaffirini.

COMMITTEE SUBSTITUTE SENATE BILL 1504 ON SECOND READING

On motion of Senator Seliger and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1504** at this time on its second reading:

CSSB 1504, Relating to the disposal of low-level radioactive waste at the Texas Low-Level Radioactive Waste Disposal Compact waste disposal facility.

The bill was read second time.

Senator Seliger offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1504** (Senate committee printing) as follows:

(1) In SECTION 2 of the bill, at the end of added Section 401.207(e-1), Health and Safety Code (page 2, line 17), between "limited" and the period, insert "regardless of whether the limit under Subsection (f) has been reached".

(2) In SECTION 5 of the bill, in added Section 401.245(g), Health and Safety Code (page 3, line 7), strike "an interested person" and substitute "a person affected".

(3) At the end of SECTION 6 of the bill, after added Section 401.2456(d), Health and Safety Code (page 3, between lines 49 and 50), insert:

(e) Rates set under this section must generate fees sufficient to meet the criteria for party state compact waste under Section 401.246(a).

The amendment to **CSSB 1504** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

Senator Uresti offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 1504** (Senate committee printing) in SECTION 2 of the bill, at the end of added Section 401.207(d), Health and Safety Code (page 2, line 5), by adding: Before the license holder may accept nonparty compact waste for disposal, the commission must certify through a written evaluation that the waste is authorized for disposal under the license. If the disposal is not authorized under the license, the commission must inform the license holder of the license amendments necessary to authorize the disposal.

The amendment to **CSSB 1504** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 2.

Senator Hinojosa offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 1504** (Senate committee printing) as follows:

(1) In SECTION 2 of the bill, in added Section 401.207(b), Health and Safety Code (page 1, line 54), between "facility" and "nonparty", insert "approved".

(2) In SECTION 2 of the bill, following added Section 401.207(h), Health and Safety Code (page 2, between lines 29 and 30), insert the following:

(i) The Texas Low-Level Radioactive Waste Disposal Compact Commission by rule shall adopt procedures and forms for the approval of the importation of nonparty compact waste.

(j) An application for the approval of the importation of nonparty compact waste may be submitted to the Texas Low-Level Radioactive Waste Disposal Compact Commission only by the generator of the waste.

(3) In SECTION 3 of the bill, strike Subdivision (2) of added Section 401.208(b), Health and Safety Code (page 2, lines 41-42), and renumber remaining subdivisions accordingly.

The amendment to **CSSB 1504** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 3.

Senator Hinojosa offered the following amendment to the bill:

Floor Amendment No. 4

Amend **CSSB 1504** (Senate committee printing) in SECTION 6 of the bill, in added Section 401.2456, Health and Safety Code (page 3, between lines 49 and 50), by inserting the following:

(e) A contract under this section must:

- (1) be negotiated in good faith;
- (2) conform to applicable antitrust statutes and regulations; and
- (3) be nondiscriminatory.

The amendment to **CSSB 1504** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 4.

Senator Jackson offered the following amendment to the bill:

Floor Amendment No. 5

Amend **CSSB 1504** (Senate Committee printing) as follows:

(1) Strike SECTION 10, beginning on Page 5, lines 6-14 and renumber subsequent sections accordingly.

The amendment to **CSSB 1504** was read.

Senator Jackson withdrew Floor Amendment No. 5.

Senator Duncan offered the following amendment to the bill:

Floor Amendment No. 6

Amend **CSSB 1504** (Senate committee printing) in SECTION 10 of the bill as follows:

(1) In added Section 401.271(c), Health and Safety Code (page 5, line 10), strike "a radioactive or hazardous substance" and substitute "radioactive waste or elemental mercury".

(2) In added Section 401.271(c), Health and Safety Code (page 5, line 14), strike "substance" and substitute "waste or mercury".

(3) At the end of added Section 401.271(c), Health and Safety Code (page 5, line 14), add "This subsection applies only to the management of radioactive waste or elemental mercury at the compact waste disposal facility."

The amendment to **CSSB 1504** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 6.

On motion of Senator Seliger and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1504 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1504 ON THIRD READING**

Senator Seliger moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1504** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1504**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1504** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

(President in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 1605 ON SECOND READING**

Senator Seliger moved to suspend the regular order of business to take up for consideration **CSSB 1605** at this time on its second reading:

CSSB 1605, Relating to the Texas Low-Level Radioactive Waste Disposal Compact Commission.

The motion prevailed.

Senator Duncan asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Seliger offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1605** (Senate committee printing) in SECTION 4 of the bill as follows:

(1) In the recital (page 1, line 44), strike "403.007, 403.008, 403.009, 403.010, and 403.011" and substitute "403.0051, 403.0052, 403.0053, 403.0054, and 403.0055".

(2) Renumber added Sections 403.007, 403.008, 403.009, 403.010, and 403.011, Health and Safety Code (page 1, lines 46, 53, and 63, and page 2, lines 4 and 16, respectively), as added Sections 403.0051, 403.0052, 403.0053, 403.0054, and 403.0055, Health and Safety Code, respectively.

The amendment to **CSSB 1605** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Seliger and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1605 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Duncan.

COMMITTEE SUBSTITUTE SENATE BILL 1605 ON THIRD READING

Senator Seliger moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1605** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Birdwell, Carona, Davis, Deuell, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Duncan, Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1605**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1605** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1.

Nays: Duncan.

PERMISSION TO INTRODUCE BILLS AND RESOLUTION

On motion of Senator Whitmire and by unanimous consent, Senate Rule 7.07(b) was suspended to permit the introduction of the following bills and resolution: **SB 12, SB 1898, SCR 41.**

SENATE BILLS AND RESOLUTION ON FIRST READING

The following bills and resolution were introduced, read first time, and referred to the committees indicated:

SB 12 by Shapiro, Davis, Duncan, Patrick, West

Relating to the flexibility of the board of trustees of a school district in the management and operation of public schools in the district.

To Committee on Education.

SB 1896 by Lucio

Relating to the designation of a portion of Farm-to-Market Road 907 in Hidalgo County as Rudy Villarreal Boulevard.

To Committee on Transportation and Homeland Security.

SB 1897 by Patrick

Relating to the creation of the Vintage Municipal Management District; providing authority to impose a tax, levy an assessment, and issue bonds.

To Committee on Intergovernmental Relations.

SB 1898 by Uresti

Relating to the appointment of a conservator for and authorizing the dissolution of the Bexar Metropolitan Water District; providing a penalty.

To Committee on Natural Resources.

SB 1899 by Nichols

Relating to compensation for services and reimbursement for expenses of a member of the board of directors of the Lake View Management and Development District.

To Committee on Intergovernmental Relations.

SB 1901 by Wentworth

Relating to the Hays Trinity Groundwater Conservation District.

To Committee on Natural Resources.

SB 1902 by Eltife

Relating to the Riverbend Water Resources District.

To Committee on Natural Resources.

SB 1903 by Eltife

Relating to the dissolution of the Riverbend Water Resources District.

To Committee on Natural Resources.

SCR 41 by Hinojosa

Designating the red drum as the official State Saltwater Fish of Texas.

To Committee on Administration.

HOUSE BILLS ON FIRST READING

The following bills received from the House were read first time and referred to the committees indicated:

- HB 149** to Committee on Jurisprudence.
- HB 200** to Committee on Criminal Justice.
- HB 350** to Committee on Criminal Justice.
- HB 361** to Committee on Intergovernmental Relations.
- HB 422** to Committee on Transportation and Homeland Security.
- HB 447** to Committee on Veteran Affairs and Military Installations.
- HB 457** to Committee on State Affairs.
- HB 462** to Committee on Jurisprudence.
- HB 478** to Committee on Transportation and Homeland Security.
- HB 549** to Committee on Jurisprudence.
- HB 805** to Committee on Transportation and Homeland Security.
- HB 824** to Committee on Health and Human Services.
- HB 843** to Committee on Intergovernmental Relations.
- HB 848** to Committee on Health and Human Services.
- HB 885** to Committee on Transportation and Homeland Security.
- HB 904** to Committee on Jurisprudence.
- HB 905** to Committee on Jurisprudence.
- HB 906** to Committee on Jurisprudence.
- HB 984** to Committee on Jurisprudence.
- HB 993** to Committee on Transportation and Homeland Security.
- HB 1110** to Committee on Intergovernmental Relations.
- HB 1251** to Committee on Transportation and Homeland Security.
- HB 1286** to Committee on Education.
- HB 1481** to Committee on Health and Human Services.
- HB 1551** to Committee on Natural Resources.
- HB 1703** to Committee on Education.
- HB 1844** to Committee on Administration.

**SENATE RULE 11.10(a) SUSPENDED
(Public Notice of Committee Meetings)**

On motion of Senator Fraser and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on Natural Resources might meet today.

**SENATE RULE 11.10(a) SUSPENDED
(Public Notice of Committee Meetings)**

On motion of Senator Whitmire and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on Criminal Justice might meet today.

**SENATE RULE 11.10(a) SUSPENDED
(Public Notice of Committee Meetings)**

On motion of Senator Harris and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on Jurisprudence might meet today.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Nelson and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Finance Subcommittee on Medicaid might meet and consider **SB 23** today.

NOTICE GIVEN FOR
LOCAL AND UNCONTESTED CALENDAR

Senator Eltife announced that a Local and Uncontested Calendar had been furnished to each Member of the Senate. He then gave notice that the Local and Uncontested Calendar Session would be held at 8:00 a.m. tomorrow and that all bills and resolutions would be considered on second and third reading in the order in which they were listed.

SENATE RULE 11.13 SUSPENDED
(Consideration of Bills in Committees)

On motion of Senator Eltife and by unanimous consent, Senate Rule 11.13 was suspended to grant all committees permission to meet during the Local and Uncontested Calendar Session tomorrow.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Shapiro and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Education might meet and consider **SB 12** tomorrow.

MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 3:13 p.m. agreed to adjourn, in memory of Jeremy D. Smith, upon conclusion of the Local and Uncontested Calendar Session, until 11:00 a.m. tomorrow.

CO-AUTHOR OF SENATE BILL 434

On motion of Senator Nelson, Senator Uresti will be shown as Co-author of **SB 434**.

CO-AUTHOR OF SENATE BILL 718

On motion of Senator Van de Putte, Senator West will be shown as Co-author of **SB 718**.

CO-AUTHORS OF SENATE BILL 726

On motion of Senator Rodriguez, Senators Ellis, Lucio, and Zaffirini will be shown as Co-authors of **SB 726**.

CO-AUTHOR OF SENATE BILL 743

On motion of Senator Hegar, Senator Van de Putte will be shown as Co-author of **SB 743**.

CO-AUTHORS OF SENATE BILL 1002

On motion of Senator Van de Putte, Senators Gallegos and Wentworth will be shown as Co-authors of **SB 1002**.

CO-AUTHOR OF SENATE BILL 1010

On motion of Senator Huffman, Senator Lucio will be shown as Co-author of **SB 1010**.

CO-AUTHOR OF SENATE BILL 1100

On motion of Senator Shapiro, Senator Harris will be shown as Co-author of **SB 1100**.

CO-AUTHOR OF SENATE BILL 1311

On motion of Senator Lucio, Senator Van de Putte will be shown as Co-author of **SB 1311**.

CO-AUTHOR OF SENATE BILL 1812

On motion of Senator Nichols, Senator Davis will be shown as Co-author of **SB 1812**.

CO-AUTHOR OF SENATE BILL 1831

On motion of Senator Wentworth, Senator Nichols will be shown as Co-author of **SB 1831**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Congratulatory Resolutions

- SR 748** by Watson, Recognizing the Elisabet Ney Museum in Austin on the occasion of its 100th anniversary.
- SR 757** by Gallegos, Commending the sponsors and organizers of the 2011 Houston Spanish and Flamenco Festival.
- SR 759** by Lucio, Recognizing the dedication of the Joe G. Rivera and Aurora De La Garza Cameron County Building.
- SR 761** by Shapiro, Recognizing Congregation Shearith Israel for its more than 125 years of service to the Jewish community in Dallas.
- SR 762** by Van de Putte, Recognizing Westover Hills Assembly of God on the occasion of its 25th anniversary.
- SR 764** by Hinojosa, Recognizing Del Mar College in Corpus Christi on the occasion of its 75th anniversary.
- SR 765** by Uresti, Recognizing the sixth class of the Senator Gregory Luna Legislative Scholars and Fellows Program.
- SR 766** by Watson, Congratulating Ronnie D. Shores for receiving the 2011 Student of the Year Award from Communities In Schools of Texas.

SR 767 by Watson, Congratulating Jenny Grow for receiving the 2011 Teacher of the Year Award from Communities In Schools of Texas.

SR 768 by Watson, Congratulating Reyna Rivera for receiving the Parent of the Year Award from Communities In Schools of Texas.

SR 769 by Watson, Congratulating Suki Steinhauser for receiving the Executive Director of the Year Award from Communities In Schools of Texas.

RECESS

On motion of Senator Whitmire, the Senate at 3:13 p.m. recessed until 8:00 a.m. tomorrow for the Local and Uncontested Calendar Session.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Secretary of the Senate in the order listed:

April 13, 2011

EDUCATION — **CSSB 718**

TRANSPORTATION AND HOMELAND SECURITY — **CSSB 266, CSSB 1065**

EDUCATION — **CSSB 1620**

STATE AFFAIRS — **CSSB 511, CSSB 1661**

JURISPRUDENCE — **SB 1752**

NATURAL RESOURCES — **CSSB 15**

BUSINESS AND COMMERCE — **SB 1054, SB 1229, SB 1433, SB 1568**

AGRICULTURE AND RURAL AFFAIRS — **CSSB 1357, CSSB 958, HB 612, HB 613, SB 1356, SB 1480, SB 1435, SB 616, CSSB 1255**

STATE AFFAIRS — **CSHB 15**

NATURAL RESOURCES — **CSSB 1250, SB 635, SB 636, SB 1295, SB 1296, SB 1741**

EDUCATION — **SB 149**

GOVERNMENT ORGANIZATION — **CSSB 1618**

BUSINESS AND COMMERCE — **CSSB 1300, CSSB 1332**

STATE AFFAIRS — **CSSB 1565**

EDUCATION — **CSSB 866, CSSB 1113, CSSB 1619**

TRANSPORTATION AND HOMELAND SECURITY — **CSSB 1401, CSSB 267**

JURISPRUDENCE — CSSB 1026**BILLS AND RESOLUTION ENGROSSED**April 12, 2011**SB 202, SB 449, SB 694, SB 746, SB 758, SB 904, SB 1304, SB 1349, SB 1490, SJR 16****BILLS AND RESOLUTIONS ENROLLED**April 12, 2011**SB 115, SB 569, SR 725, SR 747, SR 749, SR 750, SR 751, SR 752, SR 753, SR 754, SR 756****SENT TO GOVERNOR**April 13, 2011**SB 115, SB 569**

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FORTY-SECOND DAY

(Continued)

(Thursday, April 14, 2011)

AFTER RECESS

The Senate met at 8:00 a.m. and was called to order by Senator Eltife.

**SESSION HELD FOR
LOCAL AND UNCONTESTED CALENDAR**

The Presiding Officer announced that the time had arrived to consider bills and resolutions placed on the Local and Uncontested Calendar. Notice of consideration of the local calendar was given by Senator Eltife yesterday.

Pursuant to Senate Rule 9.03(d), the following bills and resolutions were laid before the Senate in the order listed, read second time, amended where applicable, passed to engrossment or third reading, read third time, and passed. The votes on passage to engrossment or third reading, suspension of the Constitutional Three-day Rule, and final passage are indicated after each caption. All Members are deemed to have voted "Yea" on viva voce votes unless otherwise indicated.

CSSB 29 (Zaffirini)

Relating to the eligibility of certain postdoctoral fellows and graduate students to participate in health benefit programs at public institutions of higher education.

(viva voce vote) (31-0) (31-0)

CSSB 223 (Nelson)

Relating to certain facilities and care providers, including providers under the state Medicaid program; providing penalties.

(viva voce vote) (31-0) (31-0)

CSSB 226 (Nelson)

Relating to reporting individual student performance on a physical fitness assessment instrument to the Texas Education Agency.

(viva voce vote) (31-0) (31-0)

CSSB 233 (Deuell)

Relating to the creation of the Rowlett Pecan Grove Management District; providing authority to impose a tax, levy an assessment, and issue bonds.

(viva voce vote) (31-0) (31-0)

CSSB 234 (Deuell)

Relating to the creation of the Rowlett Downtown Management District; providing authority to impose a tax, levy an assessment, and issue bonds.

(viva voce vote) (31-0) (31-0)

CSSB 402 (West)

Relating to community land trusts.

(viva voce vote) (31-0) (31-0)

SB 412 (West)

Relating to payment of costs of improvements of a public improvement district designated by a municipality or county.

(viva voce vote) (31-0) (31-0)

CSSB 442 (Wentworth)

Relating to notice by a governmental entity regarding certain geospatial data products.

(viva voce vote) (31-0) (31-0)

CSSB 469 (Nelson)

Relating to the collection of unpaid tolls by a regional tollway authority.

(viva voce vote) (31-0) (31-0)

SB 470 (Carona)

Relating to an exception to disclosure under the public information law concerning officers and employees of a hospital district.

(viva voce vote) (31-0) (31-0)

(Senator Birdwell in Chair)

SB 550 (Eltife)

Relating to the required public notice of the names of a certain number of finalists for the position of superintendent of a public school district.

(viva voce vote) Fraser "Nay" (30-1) Fraser "Nay" (30-1) Fraser "Nay"

(Senator Eltife in Chair)

CSSB 554 (Carona)

Relating to contracts between dentists and health maintenance organizations or insurers.

(viva voce vote) (31-0) (31-0)

SB 577 (Duncan)

Relating to the use of facsimile signatures for certain documents involving certain municipalities.

(viva voce vote) (31-0) (31-0)

CSSB 620 (Nelson)

Relating to the reporting of health care-associated infections and preventable adverse events.

(viva voce vote) (31-0) (31-0)

CSSB 650 (Hegar)

Relating to management of certain metropolitan rapid transit authorities.

(viva voce vote) (31-0) (31-0)

SB 711 (Jackson)

Relating to the confidentiality of certain identifying information regarding students of career schools or colleges and other educational entities; providing a criminal penalty. (viva voce vote) (31-0) (31-0)

(Senator Birdwell in Chair)**SB 820 (Harris)**

Relating to a court order for the possession of or access to a child under three years of age.

(viva voce vote) (31-0) (31-0)

CSSB 833 (Uresti)

Relating to the election of the board of directors of the Crockett County Water Control and Improvement District No. 1.

(viva voce vote) (31-0) (31-0)

SB 847 (Patrick)

Relating to the authority of certain hospital districts to contract for the performance of administrative functions and services.

(viva voce vote) (31-0) (31-0)

SB 910 (Lucio)

Relating to certain state attorneys called into active duty military service.

(viva voce vote) (31-0) (31-0)

SB 915 (Wentworth)

Relating to the ad valorem taxation of manufactured homes.

(viva voce vote) (31-0) (31-0)

CSSB 1030 (Carona)

Relating to notice by sign requirement for sexually oriented businesses.

(viva voce vote) (31-0) (31-0)

SB 1042 (Hegar)

Relating to the eligibility of employees convicted of certain offenses to provide services under a contract with a public school.

(viva voce vote) (31-0) (31-0)

SB 1044 (Watson)

Relating to authorizing counties to finance the acquisition of conservation easements.

(viva voce vote) (31-0) (31-0)

CSSB 1068 (Ellis)

Relating to the lease of certain state parking facilities to other persons.

(viva voce vote) (31-0) (31-0)

SB 1082 (Hegar)

Relating to strategic partnerships for the continuation of certain water districts annexed by a municipality.

(viva voce vote) (31-0) (31-0)

CSSB 1106 (Harris)

Relating to the exchange of confidential information among certain governmental entities concerning certain juveniles.

(viva voce vote) (31-0) (31-0)

CSSB 1109 (Williams)

Relating to state agency procurement and the comptroller's procurement powers and duties.

(viva voce vote) (31-0) (31-0)

SB 1140 (Watson)

Relating to payment by a water control and improvement district for certain damages caused by the district's operation of a sanitary sewer system.

(viva voce vote) (31-0) (31-0)

SB 1147 (Duncan)

Relating to the nonsubstantive revision of certain local laws concerning special districts, including conforming amendments.

(viva voce vote) (31-0) (31-0)

SB 1157 (Uresti)

Relating to the certification of the state's primary standards of weights and measures.

(viva voce vote) (31-0) (31-0)

SB 1236 (West)

Relating to the reduction and confirmation of child support arrearages and an incentive program to encourage payment of arrearages.

(viva voce vote) (31-0) (31-0)

(Senator Rodriguez in Chair)

CSSB 1251 (Gallegos)

Relating to the board of directors of the Greater East End Management District.

(viva voce vote) (31-0) (31-0)

SB 1267 (Uresti)

Relating to applications for appeal filed with an appellate court.

(viva voce vote) (31-0) (31-0)

SB 1270 (Wentworth)

Relating to the public information law.

(viva voce vote) (31-0) (31-0)

SB 1272 (Eltime)

Relating to tuition rates and formula funding for certain nonresident students enrolled at Texas A&M University—Texarkana.

(viva voce vote) (31-0) (31-0)

SB 1292 (Hegar)

Relating to the issuance of a driver's license to a peace officer that includes an alternative to the officer's residence address.

(viva voce vote) (31-0) (31-0)

SB 1327 (Watson)

Relating to the confidentiality of information obtained by a compliance office of an institution of higher education.

(viva voce vote) (31-0) (31-0)

SB 1338 (Eltife)

Relating to the membership, powers, and duties of the State Preservation Board.

(viva voce vote) (31-0) (31-0)

CSSB 1352 (Watson)

Relating to the lease of property or hospital facilities by certain hospital districts.

(viva voce vote) (31-0) (31-0)

SB 1364 (Lucio)

Relating to authorizing certain border counties and municipalities in those counties to regulate land development; providing a penalty.

(viva voce vote) Fraser, Shapiro "Nay" (29-2) Fraser, Shapiro "Nay" (29-2) Fraser, Shapiro "Nay"

SB 1462 (Lucio)

Relating to the enforcement of subdivision platting requirements in certain counties near the international border of this state.

(viva voce vote) (31-0) (31-0)

SB 1484 (Shapiro)

Relating to authorizing open-enrollment charter schools to be awarded academic distinction designations.

(viva voce vote) (31-0) (31-0)

SB 1492 (Uresti)

Relating to the election of directors of the Real-Edwards Conservation and Reclamation District.

(viva voce vote) (31-0) (31-0)

SB 1545 (Patrick)

Relating to the liability of a volunteer health care practitioner who conducts a physical examination or medical screening of a student athlete.

(viva voce vote) (31-0) (31-0)

SB 1578 (Williams)

Relating to the addition of a county to a freight rail district.

(viva voce vote) (31-0) (31-0)

CSSB 1650 (Watson)

Relating to certain comprehensive development agreements of regional mobility authorities.

(viva voce vote) Fraser "Nay" (30-1) Fraser "Nay" (30-1) Fraser "Nay"

SB 1885 (Watson)

Relating to certain comprehensive development agreements of regional mobility authorities.

(viva voce vote) Fraser "Nay" (30-1) Fraser "Nay" (30-1) Fraser "Nay"

SB 1886 (Deuell)

Relating to the Fannin County Juvenile Board.

(viva voce vote) (31-0) (31-0)

SB 1887 (Harris)

Relating to the appointment of bailiffs in certain county criminal courts of Tarrant County.

(viva voce vote) (31-0) (31-0)

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 8:30 a.m. adjourned, in memory of Jeremy D. Smith, until 11:00 a.m. today.

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FORTY-THIRD DAY

(Thursday, April 14, 2011)

The Senate met at 11:19 a.m. pursuant to adjournment and was called to order by Senator Huffman.

The roll was called and the following Senators were present: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

The Presiding Officer announced that a quorum of the Senate was present.

The Reverend DeChard Freeman, Abundant Life Community Baptist Church, Pflugerville, offered the invocation as follows:

Most holy and righteous God, we are grateful for this day of blessings and the new mercies bestowed upon us. Thank You, God, for this day that we have never seen before but has been coming ever since the beginning of time. Lord, before I ask You for anything, it is our desire to thank You for everything, for every good and perfect gift comes from You. Now, Father, I pray that Your awesome presence would fill these halls. As we stand on the floor of great decisions, I pray for each and every person that You have allowed to have power and influence to impact others' lives. God, please endow each person here with compassionate hearts, listening ears, and wisdom that only You can give. Lord, I pray for a spirit of unity and productivity in this place and in all things that Your perfect will be done. It is in the matchless name of Jesus that I pray and ask all these things. Amen and thank God.

Senator Whitmire moved that the reading of the Journal of the proceedings of the previous day be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

GUESTS PRESENTED

Senator West was recognized and introduced to the Senate Deion Sanders and D. L. Wallace.

The Senate welcomed its guests.

PHYSICIAN OF THE DAY

Senator Wentworth was recognized and presented Dr. Monique Cortez of Austin as the Physician of the Day.

The Senate welcomed Dr. Cortez and thanked her for her participation in the Physician of the Day program sponsored by the Texas Academy of Family Physicians.

MESSAGE FROM THE HOUSE**HOUSE CHAMBER**

Austin, Texas

Thursday, April 14, 2011 - 1

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:**HB 364** Turner

Relating to condominiums in certain municipalities, including the exercise of eminent domain authority by those municipalities with respect to certain condominiums.

HB 365 Turner

Relating to the use of eminent domain authority by certain municipalities to take abandoned multi-family rental buildings.

HB 558 Deshotel

Relating to payoff statements provided in connection with certain home loans.

HB 1072 Solomons

Relating to the State Bar of Texas membership dues for an attorney employed by the office of the attorney general.

HB 1215 McClendon

Relating to the creation of the offense of unauthorized acquisition or transfer of certain financial information.

HB 1625 Brown

Relating to the renewal of electrical sign apprentice licenses.

HB 1908 Madden

Relating to student loan repayment assistance for certain providers of correctional health care.

HCR 18 Creighton

Urging Congress to propose and submit to the states an amendment to the United States Constitution providing for a federal balanced budget.

HCR 136

Keffer

Commemorating April 2011 as Safe Digging Month.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives**MESSAGES FROM THE GOVERNOR**

The following Messages from the Governor were read and were referred to the Committee on Nominations:

April 13, 2011
Austin, Texas

TO THE SENATE OF THE EIGHTY-SECOND LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be Judge of the 128th Judicial District Court, Orange County, for a term until the next General Election and until her successor shall be duly elected and qualified:

Courtney Burch-Arkeen

Orange, Texas

Ms. Burch-Arkeen is replacing Judge Patrick Clark who vacated office.

To be a member of the Executive Council of Physical Therapy and Occupational Therapy Examiners for a term to expire February 1, 2013:

Arthur Roger Matson

Georgetown, Texas

Mr. Matson is being reappointed.

To be members of the Texas School Safety Center Board for terms to expire February 1, 2013:

Amy L. C. Clapper

Georgetown, Texas

(Ms. Clapper is being reappointed)

Ruben G. Reyes

Lubbock, Texas

(Judge Reyes is being reappointed)

Carl A. Montoya

Brownsville, Texas

(Dr. Montoya is being reappointed)

Adelaida "Laila" Olivarez

Austin, Texas

(replacing Severita Sanchez of Laredo whose term expired)

James R. Pendell
 Clint, Texas
 (Mr. Pendell is being reappointed)

Respectfully submitted,
 /s/Rick Perry
 Governor
 April 13, 2011
 Austin, Texas

TO THE SENATE OF THE EIGHTY-SECOND LEGISLATURE, REGULAR SESSION:

On January 19, 2011, I submitted the name of Bob McCan for appointment to the Coastal Coordination Council for a term to expire May 31, 2011.

Because he resigned, I hereby withdraw his nomination and request that the Senate return the appointment to me.

Respectfully submitted,
 /s/Rick Perry
 Governor

GUEST PRESENTED

Senator Lucio was recognized and introduced to the Senate Hill Elementary School fifth grader Clark Garcia.

The Senate welcomed its guest.

SENATE RESOLUTION 771

Senator Lucio offered the following resolution:

SR 771, Recognizing April 14, 2011, as Willacy County Day at the State Capitol.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate a Willacy County delegation: County Judge John F. Gonzales; County Commissioners: Eliberto Guerra, Noe Loya, and Dora Perez; and Sheriff Larry Spence.

The Senate welcomed its guests.

(President in Chair)

BILLS SIGNED

The President announced the signing of the following enrolled bills in the presence of the Senate after the captions had been read: **SB 312**, **SB 716**.

FORMER MEMBERS DAY

Senator Whitmire was recognized and introduced to the Senate former Lieutenant Governors, Deans of the Senate, and Senators.

Former Lieutenant Governors

The Honorable William P. Hobby–Houston
Lieutenant Governor–1973 to 1991

The Honorable Bill Ratliff–Mount Pleasant
Lieutenant Governor–2000 to 2003

Former Senators

The Honorable Don Adams–Jasper
State Senator–1973 to 1977

The Honorable Kip Averitt–McLennan
State Senator–2002 to 2010

The Honorable Gonzalo Barrientos–Austin
State Senator–1985 to 2007

The Honorable Kim Brimer–Tarrant
State Senator–2003 to 2009

The Honorable Chet Brooks–Pasadena
State Senator–1967 to 1993
Dean of the Senate–1981 to 1993

The Honorable J. E. "Buster" Brown–Lake Jackson
State Senator–1981 to 2002

The Honorable David Cain–Dallas
State Senator–1995 to 2003

The Honorable Galloway Calhoun, Jr.–Tyler
State Senator–1961 to 1967

The Honorable Ray Farabee–Wichita Falls
State Senator–1975 to 1988

The Honorable Michael Galloway–The Woodlands
State Senator–1995 to 1999

The Honorable Bill Haley–Center
State Senator–1989 to 1995

The Honorable Kent Hance–Lubbock
State Senator–1975 to 1979

The Honorable O. H. "Ike" Harris–Dallas
State Senator–1967 to 1995
Dean of the Senate–1993 to 1995

The Honorable Don Henderson–Houston
State Senator–1983 to 1997

The Honorable Jack Hightower–Vernon
State Senator–1965 to 1975

The Honorable Kyle Janek–Harris
State Senator–2002 to 2008

The Honorable Cyndi Krier—San Antonio
State Senator—1985 to 1993

The Honorable Jon Lindsay—Houston
State Senator—1997 to 2007

The Honorable John T. Montford—Lubbock
State Senator—1983 to 1996

The Honorable Jack Ogg—Houston
State Senator—1973 to 1983

The Honorable A. R. "Babe" Schwartz—Galveston
State Senator—1960 to 1981

The Honorable Dan Shelley—Crosby
State Senator—1993 to 1995

The Honorable Max Sherman—Amarillo
State Senator—1971 to 1977

The Honorable Bill Sims—Paint Rock
State Senator—1983 to 1997

The Honorable W. E. "Pete" Snelson—Midland
State Senator—1965 to 1983
Dean of the Senate—1981 to 1983

The Honorable Jack Strong—Longview
State Senator—1963 to 1971

The Honorable Carlos Truan—Corpus Christi
State Senator—1977 to 2003
Dean of the Senate—1995 to 2003

The Honorable Jim Turner—Crockett
State Senator—1991 to 1997

The Honorable Jim Wallace—Houston
State Senator—1971 to 1974

The Honorable Craig Washington—Houston
State Senator—1985 to 1990

The Honorable Murray Watson—Mart
State Senator—1963 to 1973

Former Secretaries of the Senate

Charles Schnabel—the youngest elected Secretary of the Senate and second longest serving Secretary of the Senate

Betty King—the longest serving Secretary of the Senate in Texas history

The Senate welcomed its guests.

IN MEMORIAM

Senator Eltife was recognized to read from "A State of Remembrance, April 14, 2011" the following names:

The Honorable Teel Bivens of Amarillo–Potter County
State Senator–1989 to 2004

The Honorable Donley C. Kennard of Fort Worth–Tarrant County
State Senator–1963 to 1973

The Honorable Charles Nesbitt Wilson of Lufkin–Angelina County
State Senator–1967 to 1973

The Honorable James Powell Word of Meridian–Bosque County
State Senator–1963 to 1973

ACKNOWLEDGMENTS

Senator Ellis was recognized and spoke about the First Texas Senate of 1836 and other related historical events.

CONCLUSION

Senator Whitmire was again recognized for closing comments and thanked the honored guests for their service to the State of Texas.

AT EASE

The President at 11:59 a.m. announced the Senate would stand At Ease pending the departure of its guests.

IN LEGISLATIVE SESSION

Senator Eltife at 12:13 p.m. called the Senate to order as In Legislative Session.

SENATE RESOLUTION 653

Senator Nichols, on behalf of Senator Ogden, offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to welcome the members of the delegation from the Crockett Area Chamber of Commerce and to recognize April 14, 2011, as Houston County Day at the Capitol; and

WHEREAS, Created in 1837 and named for Sam Houston, Houston County was the first county in the Republic of Texas and sits in the heart of the El Camino Real; its county seat, Crockett, was named in 1837 after David Crockett, who camped in the vicinity on his way to the Alamo in 1836; and

WHEREAS, The county's attractions include the Houston County Fair, the Bluegrass Festival, the Houston County Museum, which is housed in the 1909 Crockett railroad depot, the Rice Log Cabin, and the Monroe-Crook House; the county's Davy Crockett National Forest is the largest national forest in the state; and

WHEREAS, The Crockett Area Chamber of Commerce strives to advance the civic, commercial, and industrial opportunities in the county and focuses on having a positive impact on the general welfare of the county and its residents; its members are leaders in the community who seek solutions to a wide variety of issues and who assist new businesses that move into the county; and

WHEREAS, The chamber of commerce encourages its members to participate in activities that contribute to the quality of life and future growth of Houston County, and they and area residents take pride in their county's rich history and its many assets; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby express appreciation to the people of Houston County for preserving their county's charm and many amenities in the face of its growth and extend best wishes to all for a memorable Houston County Day at the Capitol; and, be it further

RESOLVED, That a copy of this Resolution be prepared in honor of Houston County.

SR 653 was read and was adopted without objection.

GUESTS PRESENTED

Senator Nichols, on behalf of Senator Ogden, was recognized and introduced to the Senate a Houston County delegation.

The Senate welcomed its guests.

INTRODUCTION OF BILLS AND RESOLUTIONS POSTPONED

The Presiding Officer announced that the introduction of bills and resolutions on first reading would be postponed until the end of today's session.

There was no objection.

CONCLUSION OF MORNING CALL

The Presiding Officer at 12:18 p.m. announced the conclusion of morning call.

LEAVE OF ABSENCE

On motion of Senator Whitmire, Senator Williams was granted leave of absence for the remainder of the day on account of important business.

COMMITTEE SUBSTITUTE SENATE BILL 916 ON THIRD READING

On motion of Senator Wentworth and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 916** at this time on its third reading and final passage:

CSSB 916, Relating to ad valorem tax lien transfers.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Williams.

COMMITTEE SUBSTITUTE SENATE BILL 1635 ON SECOND READING

On motion of Senator Davis and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1635** at this time on its second reading:

CSSB 1635, Relating to contributions to the fund for veterans' assistance.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Absent-excused: Williams.

**COMMITTEE SUBSTITUTE
SENATE BILL 1635 ON THIRD READING**

Senator Davis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1635** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Wentworth.

Absent-excused: Williams.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1635**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1635** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Williams.

**COMMITTEE SUBSTITUTE
SENATE BILL 1739 ON SECOND READING**

On motion of Senator Davis and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1739** at this time on its second reading:

CSSB 1739, Relating to the use of the fund for veterans' assistance.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Absent-excused: Williams.

**COMMITTEE SUBSTITUTE
SENATE BILL 1739 ON THIRD READING**

Senator Davis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1739** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Wentworth.

Absent-excused: Williams.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1739**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1739** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Williams.

**COMMITTEE SUBSTITUTE
SENATE BILL 797 ON SECOND READING**

On motion of Senator Nelson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 797** at this time on its second reading:

CSSB 797, Relating to objective assessment processes for and appropriate provision of acute nursing services and certain other services provided under the Medicaid program.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Absent-excused: Williams.

**COMMITTEE SUBSTITUTE
SENATE BILL 797 ON THIRD READING**

Senator Nelson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 797** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Wentworth.

Absent-excused: Williams.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 797**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 797** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1.

Nays: Lucio.

Absent-excused: Williams.

**COMMITTEE SUBSTITUTE
SENATE BILL 162 ON SECOND READING**

On motion of Senator Shapiro and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 162** at this time on its second reading:

CSSB 162, Relating to developing a developmental education plan for students entering public institutions of higher education.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Absent-excused: Williams.

**COMMITTEE SUBSTITUTE
SENATE BILL 162 ON THIRD READING**

Senator Shapiro moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 162** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Wentworth.

Absent-excused: Williams.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 162**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 162** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Williams.

**COMMITTEE SUBSTITUTE
SENATE BILL 1179 ON SECOND READING**

On motion of Senator Nelson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1179** at this time on its second reading:

CSSB 1179, Relating to the elimination of certain required reports prepared by state agencies and institutions of higher education and other obsolete provisions of law.

The bill was read second time.

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1179** (Committee Printing) by striking (on page 7, lines 55 thru 57) subdivision 31 of proposed SECTION 26 and renumbering remaining subdivisions accordingly.

The amendment to **CSSB 1179** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 except as follows:

Absent-excused: Williams.

On motion of Senator Nelson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1179 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Absent-excused: Williams.

**COMMITTEE SUBSTITUTE
SENATE BILL 1179 ON THIRD READING**

Senator Nelson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1179** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Wentworth.

Absent-excused: Williams.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1179**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The

suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1179** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Williams.

COMMITTEE SUBSTITUTE SENATE BILL 662 ON SECOND READING

On motion of Senator Nichols and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 662** at this time on its second reading:

CSSB 662, Relating to the continuation and functions of the State Board of Examiners for Speech-Language Pathology and Audiology; providing an administrative penalty.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Absent-excused: Williams.

COMMITTEE SUBSTITUTE SENATE BILL 662 ON THIRD READING

Senator Nichols moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 662** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Wentworth.

Absent-excused: Williams.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 662**, because in my judgment no circumstance exists in this case to justify the

extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 662** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Williams.

COMMITTEE SUBSTITUTE SENATE BILL 407 ON SECOND READING

Senator Watson moved to suspend the regular order of business to take up for consideration **CSSB 407** at this time on its second reading:

CSSB 407, Relating to the creation of the offense of electronic transmission of certain visual material depicting a minor and to certain educational programs concerning the prevention and awareness of that offense.

The motion prevailed.

Senator Nichols asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Watson offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 407** (senate committee printing) as follows:

- (1) In SECTION 2 of the bill, in proposed Section 43.261(c)(1), Penal Code (page 1, lines 52-54), strike proposed Paragraph (A).
- (2) In SECTION 2 of the bill, in proposed Section 43.261(c)(1), Penal Code (page 1, line 55), strike "(B)" and substitute "(A)".
- (3) In SECTION 2 of the bill, in proposed Section 43.261(c)(1), Penal Code (page 1, line 58), strike "(C)" and substitute "(B)".
- (4) In SECTION 2 of the bill, in proposed Section 43.261(c)(2)(A), Penal Code (page 2, line 1), strike "or (B)".
- (5) In SECTION 2 of the bill, in proposed Section 43.261, Penal Code (page 2, lines 22-32), strike proposed Subsection (f) and substitute the following:
 - (f) It is a defense to prosecution under Subsection (b)(2) that the actor:
 - (1) did not produce or solicit the visual material;
 - (2) possessed the visual material only after receiving the material from another minor; and

(3) destroyed the visual material within a reasonable amount of time after receiving the material from another minor.

(6) In SECTION 3 of the bill, in amended Section 51.03(b), Family Code (page 2, line 68, through page 3, line 1), strike proposed Subdivision (7) and substitute the following:

(7) conduct that violates Section 43.261, Penal Code.

(7) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. Subsections (b) and (d), Section 51.08, Family Code, are amended to read as follows:

(b) A court in which there is pending a complaint against a child alleging a violation of a misdemeanor offense punishable by fine only other than a traffic offense or a violation of a penal ordinance of a political subdivision other than a traffic offense:

(1) except as provided by Subsection (d), shall waive its original jurisdiction and refer the child to juvenile court if:

(A) the complaint pending against the child alleges a violation of a misdemeanor offense under Section 43.261, Penal Code, that is punishable by fine only; or

(B) the child has previously been convicted of:

(i) [~~(A)~~] two or more misdemeanors punishable by fine only other than a traffic offense;

(ii) [~~(B)~~] two or more violations of a penal ordinance of a political subdivision other than a traffic offense; or

(iii) [~~(C)~~] one or more of each of the types of misdemeanors described in Subparagraph (i) or (ii) [~~Paragraph (A) or (B)~~]; and

(2) may waive its original jurisdiction and refer the child to juvenile court if the child:

(A) has not previously been convicted of a misdemeanor punishable by fine only other than a traffic offense or a violation of a penal ordinance of a political subdivision other than a traffic offense; or

(B) has previously been convicted of fewer than two misdemeanors punishable by fine only other than a traffic offense or two violations of a penal ordinance of a political subdivision other than a traffic offense.

(d) A court that has implemented a juvenile case manager program under Article 45.056, Code of Criminal Procedure, may, but is not required to, waive its original jurisdiction under Subsection (b)(1)(B) [~~(b)(1)~~].

SECTION _____. Section 51.13, Family Code, is amended by amending Subsection (a) and adding Subsection (e) to read as follows:

(a) Except as provided by Subsections (d) and (e) [~~Subsection (d)~~], an order of adjudication or disposition in a proceeding under this title is not a conviction of crime. Except as provided by Chapter 841, Health and Safety Code, an order of adjudication or disposition does not impose any civil disability ordinarily resulting from a conviction or operate to disqualify the child in any civil service application or appointment.

(e) A finding that a child engaged in conduct indicating a need for supervision as described by Section 51.03(b)(7) is a conviction only for the purposes of Sections 43.261(c) and (d), Penal Code.

SECTION _____. Subsection (a), Section 61.002, Family Code, is amended to read as follows:

(a) Except as provided by Subsection (b), this chapter applies to a proceeding to enter a juvenile court order:

(1) for payment of probation fees under Section 54.061;
(2) for restitution under Sections 54.041(b) and 54.048;
(3) for payment of graffiti eradication fees under Section 54.0461;
(4) for community service under Section 54.044(b);
(5) for payment of costs of court under Section 54.0411 or other provisions of law;

(6) requiring the person to refrain from doing any act injurious to the welfare of the child under Section 54.041(a)(1);

(7) enjoining contact between the person and the child who is the subject of a proceeding under Section 54.041(a)(2);

(8) ordering a person living in the same household with the child to participate in counseling under Section 54.041(a)(3);

(9) requiring a parent or guardian of a child found to be truant to participate in an available program addressing truancy under Section 54.041(f);

(10) requiring a parent or other eligible person to pay reasonable attorney's fees for representing the child under Section 51.10(e);

(11) requiring the parent or other eligible person to reimburse the county for payments the county has made to an attorney appointed to represent the child under Section 51.10(j);

(12) requiring payment of deferred prosecution supervision fees under Section 53.03(d);

(13) requiring a parent or other eligible person to attend a court hearing under Section 51.115;

(14) requiring a parent or other eligible person to act or refrain from acting to aid the child in complying with conditions of release from detention under Section 54.01(r);

(15) requiring a parent or other eligible person to act or refrain from acting under any law imposing an obligation of action or omission on a parent or other eligible person because of the parent's or person's relation to the child who is the subject of a proceeding under this title; ~~[or]~~

(16) for payment of fees under Section 54.0462; or

(17) for payment of the cost of attending an educational program under Section 54.0404.

The amendment to **CSSB 407** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 except as follows:

Absent-excused: Williams.

On motion of Senator Watson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 407 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Nichols.

Absent-excused: Williams.

**COMMITTEE SUBSTITUTE
SENATE BILL 407 ON THIRD READING**

Senator Watson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 407** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 2.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

Nays: Nichols, Wentworth.

Absent-excused: Williams.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 407**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 407** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1.

Nays: Nichols.

Absent-excused: Williams.

GUEST PRESENTED

Senator Watson was recognized and introduced to the Senate his son, Cooper.

The Senate welcomed its guest.

**COMMITTEE SUBSTITUTE
SENATE BILL 198 ON SECOND READING**

Senator West moved to suspend the regular order of business to take up for consideration **CSSB 198** at this time on its second reading:

CSSB 198, Relating to exempting persons who are convicted of certain sexual offenses from registering as a sex offender in this state.

The motion prevailed.

Senators Harris and Patrick asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Harris, Patrick.

Absent-excused: Williams.

**COMMITTEE SUBSTITUTE
SENATE BILL 198 ON THIRD READING**

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 198** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 3.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

Nays: Harris, Patrick, Wentworth.

Absent-excused: Williams.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 198**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 198** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed.

Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 28, Nays 2.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Zaffirini.

Nays: Harris, Patrick.

Absent-excused: Williams.

(President in Chair)

SENATE BILL 898 ON THIRD READING

Senator Carona moved to suspend the regular order of business to take up for consideration **SB 898** at this time on its third reading and final passage:

SB 898, Relating to energy efficiency programs in institutions of higher education and certain governmental entities.

The motion prevailed by the following vote: Yeas 20, Nays 10.

Yeas: Carona, Davis, Duncan, Ellis, Eltife, Gallegos, Hinojosa, Huffman, Jackson, Lucio, Ogden, Rodriguez, Seliger, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Zaffirini.

Nays: Birdwell, Deuell, Estes, Fraser, Harris, Hegar, Nelson, Nichols, Patrick, Shapiro.

Absent-excused: Williams.

The bill was read third time and was passed by the following vote: Yeas 20, Nays 10. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 1680 ON SECOND READING**

On motion of Senator Ellis and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1680** at this time on its second reading:

CSSB 1680, Relating to certain evidence in a prosecution of fraud or theft involving Medicaid or Medicare benefits and to certain criminal procedures involving offenses in general.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Absent-excused: Williams.

**COMMITTEE SUBSTITUTE
SENATE BILL 1680 ON THIRD READING**

Senator Ellis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1680** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Wentworth.

Absent-excused: Williams.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1680**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1680** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Williams.

**COMMITTEE SUBSTITUTE
SENATE BILL 1170 ON SECOND READING**

On motion of Senator Carona and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1170** at this time on its second reading:

CSSB 1170, Relating to the regulation of barbers and cosmetologists.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Absent-excused: Williams.

**COMMITTEE SUBSTITUTE
SENATE BILL 1170 ON THIRD READING**

Senator Carona moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1170** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Wentworth.

Absent-excused: Williams.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1170**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1170** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Williams.

(Senator Eltife in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 726 ON SECOND READING**

Senator Rodriguez moved to suspend the regular order of business to take up for consideration **CSSB 726** at this time on its second reading:

CSSB 726, Relating to the establishment of the judicial access and improvement account to provide funding for basic civil legal services, indigent defense, and judicial technical support through certain county service fees and court costs imposed to fund the account.

The motion prevailed by the following vote: Yeas 20, Nays 10.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Gallegos, Hegar, Hinojosa, Lucio, Ogden, Rodriguez, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Zaffirini.

Nays: Birdwell, Fraser, Harris, Huffman, Jackson, Nelson, Nichols, Patrick, Seliger, Shapiro.

Absent-excused: Williams.

The bill was read second time and was passed to engrossment by the following vote: Yeas 19, Nays 11.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Gallegos, Hinojosa, Lucio, Ogden, Rodriguez, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Zaffirini.

Nays: Birdwell, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Patrick, Seliger, Shapiro.

Absent-excused: Williams.

SENATE BILL 988 ON SECOND READING

Senator Van de Putte moved to suspend the regular order of business to take up for consideration **SB 988** at this time on its second reading:

SB 988, Relating to the creation of a cybersecurity, education, and economic development council.

The motion prevailed.

Senator Patrick asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Patrick.

Absent-excused: Williams.

SENATE BILL 988 ON THIRD READING

Senator Van de Putte moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 988** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 2.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

Nays: Patrick, Wentworth.

Absent-excused: Williams.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 988**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 988** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1.

Nays: Patrick.

Absent-excused: Williams.

SENATE BILL 844 ON SECOND READING

On motion of Senator Patrick and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 844** at this time on its second reading:

SB 844, Relating to the offense of escape from custody by a person lawfully detained.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Absent-excused: Williams.

SENATE BILL 844 ON THIRD READING

Senator Patrick moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 844** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Wentworth.

Absent-excused: Williams.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 844**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 844** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Williams.

COMMITTEE SUBSTITUTE SENATE BILL 291 ON SECOND READING

Senator Watson moved to suspend the regular order of business to take up for consideration **CSSB 291** at this time on its second reading:

CSSB 291, Relating to an alcohol awareness component of the science curriculum used in public schools.

The motion prevailed.

Senators Birdwell, Nelson, and Nichols asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Watson offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 291** (senate committee printing) in SECTION 1 of the bill, on page 1, line 26, between "curriculum." and "A high school", by inserting "The agency shall make alcohol awareness programs that are available without cost accessible electronically for school districts and open-enrollment charter schools to the extent possible."

The amendment to **CSSB 291** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 except as follows:

Absent-excused: Williams.

On motion of Senator Watson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 291 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Birdwell, Nelson, Nichols.

Absent-excused: Williams.

**COMMITTEE SUBSTITUTE
SENATE BILL 291 ON THIRD READING**

Senator Watson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 291** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 4.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

Nays: Birdwell, Nelson, Nichols, Wentworth.

Absent-excused: Williams.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 291**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 291** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 27, Nays 3.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Zaffirini.

Nays: Birdwell, Nelson, Nichols.

Absent-excused: Williams.

SENATE BILL 54 ON SECOND READING

Senator Zaffirini moved to suspend the regular order of business to take up for consideration **SB 54** at this time on its second reading:

SB 54, Relating to certification to teach public school students who have visual impairments.

The motion prevailed.

Senators Harris, Nelson, and Ogden asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Harris, Nelson, Ogden.

Absent-excused: Williams.

SENATE BILL 54 ON THIRD READING

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 54** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 4.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nichols, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

Nays: Harris, Nelson, Ogden, Wentworth.

Absent-excused: Williams.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 54**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 54** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 27, Nays 3.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nichols, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Zaffirini.

Nays: Harris, Nelson, Ogden.

Absent-excused: Williams.

**COMMITTEE SUBSTITUTE
SENATE BILL 1001 ON SECOND READING**

Senator Carona moved to suspend the regular order of business to take up for consideration **CSSB 1001** at this time on its second reading:

CSSB 1001, Relating to the practice of certain professions regulated under the Occupations Code.

The motion prevailed by the following vote: Yeas 28, Nays 2.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

Nays: Huffman, Wentworth.

Absent-excused: Williams.

The bill was read second time.

Senator Carona offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1001** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, strike added Sec. 60.002, Occupations Code, on page 1, lines 20-26, and renumber subsequent sections appropriately.

(2) On page 1, strike lines 27-31, and substitute the following:

Sec. 60.003. COLLABORATION BETWEEN PHYSICIANS AND CHIROPRACTORS. A person licensed under Subtitle B, Title 3, and a person licensed under Chapter 201 are authorized to:

(1) collaborate with each other in providing services to a client if

(3) On page 1, strike lines 44-48, and substitute the following:

ASSOCIATIONS. (a) A person licensed under Subtitle B, Title 3, and a person licensed under Chapter 201 of this code may form a partnership, professional association, or professional limited liability company according to the requirements of this section and any other applicable law.

(b) When persons licensed under Chapter 201 of this code form a professional entity with persons licensed under Subtitle B, Title 3 of this code, as provided by this section, the authority of each practitioner is limited by that practitioner's scope of practice, and a practitioner may not exercise control over another practitioner's

clinical authority granted by the other practitioner's license, either through agreements, bylaws, directives, financial incentives, or other arrangements that would assert control over treatment decisions made by the practitioner.

(c) The state agencies exercising regulatory control over professions to which this section applies continue to exercise regulatory authority over their respective licenses.

(d) A person licensed under Subtitle B, Title 3 of this code, who forms a professional entity under this section shall report the formation of the entity and any material change in agreements, bylaws, directives, financial incentives, or other arrangements related to the operation of the entity to the Texas Medical Board no later than the 30th day after the entity is formed or the material change is made.

(4) On page 1, line 50, strike "Title 3" and substitute "Chapter 201".

(5) Strike page 1, line 54 through page 2, line 11, and substitute the following:

(b) If physical modalities and procedures are covered services under a health benefit plan and within the scope of the license of a chiropractor and one or more other type of practitioner, a health benefit plan issuer may not:

(1) deny payment or reimbursement for physical modalities and procedures provided by a chiropractor if:

(A) the chiropractor provides the modalities and procedures in strict compliance with laws and rules relating to a chiropractor's license; and

(B) the health benefit plan issuer allows payment or reimbursement for the same physical modalities and procedures performed by another type of practitioner;

(2) make payment or reimbursement for particular covered physical modalities and procedures within the scope of a chiropractor's practice contingent on treatment or examination by a practitioner that is not a chiropractor; or

(3) establish other limitations on the provision of covered physical modalities and procedures that would prohibit a covered person from seeking the covered physical modalities and procedures from a chiropractor to the same extent that the covered person may obtain covered physical modalities and procedures from another type of practitioner.

The amendment to **CSSB 1001** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 except as follows:

Absent-excused: Williams.

On motion of Senator Carona and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1001 as amended was passed to engrossment by the following vote: Yeas 30, Nays 0.

Absent-excused: Williams.

**COMMITTEE SUBSTITUTE
SENATE BILL 1001 ON THIRD READING**

Senator Carona moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1001** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Wentworth.

Absent-excused: Williams.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1001**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1001** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Williams.

**COMMITTEE SUBSTITUTE
SENATE BILL 100 ON SECOND READING**

Senator Van de Putte moved to suspend the regular order of business to take up for consideration **CSSB 100** at this time on its second reading:

CSSB 100, Relating to the adoption of voting procedures necessary to implement the federal Military and Overseas Voter Empowerment Act, including changing deadlines for declaration of candidacy and dates for certain elections.

The motion prevailed.

Senator Nelson asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Van de Putte offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 100** in SECTION 1 of the bill, by striking added Section 101.007, Election Code (page 2, lines 3-9, committee printing), and substituting the following:

Sec. 101.007. DESIGNATION OF SECRETARY OF STATE. (a) The secretary of state is designated as the state office to provide information regarding voter registration procedures and absentee ballot procedures, including procedures related to the federal write-in absentee ballot, to be used by persons eligible to vote under the federal Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. Section 1973ff et seq.).

(b) The secretary of state is designated as the state coordinator between military and overseas voters and county election officials. A county election official shall:

(1) cooperate with the secretary of state to ensure that military and overseas voters timely receive accurate balloting materials that a voter is able to cast in time for the election; and

(2) otherwise comply with the federal Military and Overseas Voter Empowerment Act (Pub. L. No. 111-84, Div. A, Title V, Subt. H).

(c) The secretary of state may adopt rules as necessary to implement this section.

The amendment to **CSSB 100** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 except as follows:

Absent-excused: Williams.

Senator Van de Putte offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 100** by adding the following appropriately numbered SECTIONS and by renumbering the existing SECTIONS as appropriate:

SECTION _____. Section 145.037(e), Election Code, is amended to read as follows:

(e) The certification must be delivered not later than 5 p.m. of the 71st [~~70th~~] day before election day.

SECTION _____. Section 145.038(b), Election Code, is amended to read as follows:

(b) The state chair must deliver the certification of the replacement nominee not later than 5 p.m. of the 69th [~~67th~~] day before election day.

SECTION _____. Section 11.059(e), Education Code, is amended to read as follows:

(e) Not later than December 31, 2011 [~~2007~~], the board of trustees may adopt a resolution changing the length of the terms of its trustees. The resolution must provide for a term of either three or four years and specify the manner in which the transition from the length of the former term to the modified term is made. The transition must begin with the first regular election for trustees that occurs after January 1, 2012 [~~2008~~], and a trustee who serves on that date shall serve the remainder of that term. This subsection expires January 1, 2017 [~~2013~~].

SECTION _____. Subchapter A, Chapter 21, Local Government Code, is amended by adding Section 21.004 to read as follows:

Sec. 21.004. CHANGE OF LENGTH OF TERMS IN GENERAL-LAW MUNICIPALITY. (a) This section applies only to a general-law municipality whose governing body is composed of members that serve a term of one or three years.

(b) Not later than December 31, 2011, the governing body of the general-law municipality may adopt a resolution changing the length of the terms of its members to two years. The resolution must specify the manner in which the transition from the length of the former term to the modified term is made. The transition must begin with the first regular election for members of the governing body that occurs after January 1, 2012, and a member who serves on that date shall serve the remainder of that term.

(c) This section expires January 1, 2015.

SECTION _____. (a) This section applies only to a political subdivision that elects the members of its governing body to a term that consists of an odd number of years.

(b) Not later than December 31, 2011, the governing body of the political subdivision may adopt a resolution changing the length of the terms of its members to an even number of years. The resolution must specify the manner in which the transition from the length of the former term to the modified term is made. The transition must begin with the first regular election for members of the governing body that occurs after January 1, 2012, and a member who serves on that date shall serve the remainder of that term.

(c) This section expires January 1, 2020.

The amendment to **CSSB 100** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 2 except as follows:

Absent-excused: Williams.

Senator Patrick offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 100** by striking SECTION 4 of the bill amending Section 41.001(a), Election Code (page 6, lines 54-62, committee printing), and substituting the following:

SECTION 4. Section 41.001, Election Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) Except as otherwise provided by this subchapter, each general or special election in this state shall be held on one of the following dates:

(1) the second Saturday in May in an odd-numbered year;

(2) the second Saturday in May in an even-numbered year, for an election held by a political subdivision other than a county; or

(3) ~~(2)~~ the first Tuesday after the first Monday in November.

(d) Notwithstanding Section 31.093, a county elections administrator is not required to enter into a contract to furnish election services for an election held on the date described by Subsection (a)(2).

The amendment to **CSSB 100** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 3 except as follows:

Absent-excused: Williams.

On motion of Senator Van de Putte and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 100 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Nelson.

Absent-excused: Williams.

COMMITTEE SUBSTITUTE SENATE BILL 100 ON THIRD READING

Senator Van de Putte moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 100** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 2.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

Nays: Nelson, Wentworth.

Absent-excused: Williams.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 100**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 100** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1.

Nays: Nelson.

Absent-excused: Williams.

SENATE JOINT RESOLUTION 37 ON SECOND READING

On motion of Senator Van de Putte and by unanimous consent, the regular order of business was suspended to take up for consideration **SJR 37** at this time on its second reading:

SJR 37, Proposing a constitutional amendment to repeal the provision that requires the automatic resignation of certain county, municipal, or district officeholders if they become candidates for another office.

The resolution was read second time.

Senator Patrick offered the following amendment to the resolution:

Floor Amendment No. 1

Amend **SJR 37** (senate committee printing) by striking all below the resolving clause and substituting the following:

SECTION 1. Section 65(b), Article XVI, Texas Constitution, is amended to read as follows:

(b) If any of the officers named herein shall announce their candidacy, or shall in fact become a candidate, in any General, Special or Primary Election, for any office of profit or trust under the laws of this State or the United States other than the office then held, at any time when the unexpired term of the office then held shall exceed one [(+)] year and 30 days, such announcement or such candidacy shall constitute an automatic resignation of the office then held, and the vacancy thereby created shall be filled pursuant to law in the same manner as other vacancies for such office are filled.

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 8, 2011. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment to change the length of the unexpired term that causes the automatic resignation of certain elected county or district officeholders if they become candidates for another office."

The amendment to **SJR 37** was read.

Senator Patrick temporarily withdrew Floor Amendment No. 1.

Senator Ellis offered the following amendment to the resolution:

Floor Amendment No. 2

Amend **SJR 37** by striking SECTION 3 of the resolution (page 1, lines 27-33, committee printing) and substituting the following:

SECTION 3. (a) This proposed constitutional amendment shall be submitted to the voters at an election to be held November 8, 2011, only if the secretary of state certifies that an enactment of the 82nd Legislature, Regular Session, that became law provides for a filing deadline for an application for a place on the general primary

ballot that occurs in the calendar year before the year in which the primary is held. If the secretary of state does not make a certification under this subsection, this resolution has no effect.

(b) If the election on this amendment is held, the ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment to repeal the provision that requires the automatic resignation of certain county, municipal, or district officeholders if they become candidates for another office."

The amendment to **SJR 37** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 2 except as follows:

Absent-excused: Williams.

On motion of Senator Van de Putte, further consideration of **SJR 37** was temporarily postponed.

Question — Shall **SJR 37** as amended be passed to engrossment?

SENATE BILL 821 ON SECOND READING

Senator Watson moved to suspend the regular order of business to take up for consideration **SB 821** at this time on its second reading:

SB 821, Relating to the authority of the Travis County Healthcare District to make capital or financial contributions to charitable organizations.

The motion prevailed by the following vote: Yeas 26, Nays 4.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Hegar, Hinojosa, Jackson, Lucio, Nelson, Nichols, Ogden, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Zaffirini.

Nays: Birdwell, Harris, Huffman, Patrick.

Absent-excused: Williams.

The bill was read second time.

Senator Watson offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 821** (senate committee printing) as follows:

(1) on page 1, line 21, between "a" and "charitable", by inserting "public institution or a"; and

(2) on page 1, line 24, between "district" and the period, by inserting ", provided that the public institution or charitable organization receiving the capital or financial contribution does not use any part of the funding, either directly or indirectly, to provide or refer for abortion or abortion-related services."

The amendment to **SB 821** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 except as follows:

Absent-excused: Williams.

On motion of Senator Watson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

SB 821 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Birdwell, Harris, Huffman, Patrick.

Absent-excused: Williams.

SENATE BILL 821 ON THIRD READING

Senator Watson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 821** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 5.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Hegar, Hinojosa, Jackson, Lucio, Nelson, Nichols, Ogden, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

Nays: Birdwell, Harris, Huffman, Patrick, Wentworth.

Absent-excused: Williams.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 821**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 821** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 25, Nays 5.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Hegar, Hinojosa, Jackson, Nelson, Nichols, Ogden, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Zaffirini.

Nays: Birdwell, Harris, Huffman, Lucio, Patrick.

Absent-excused: Williams.

SENATE JOINT RESOLUTION 37 ON SECOND READING

The Presiding Officer, Senate Eltife in Chair, laid before the Senate **SJR 37** by Senator Van de Putte on its second reading. The resolution had been read second time, amended, and further consideration temporarily postponed:

SJR 37, Proposing a constitutional amendment to repeal the provision that requires the automatic resignation of certain county, municipal, or district officeholders if they become candidates for another office.

Question — Shall **SJR 37** as amended be passed to engrossment?

Senator Patrick again offered the following amendment to the resolution:

Floor Amendment No. 1

Amend **SJR 37** (senate committee printing) by striking all below the resolving clause and substituting the following:

SECTION 1. Section 65(b), Article XVI, Texas Constitution, is amended to read as follows:

(b) If any of the officers named herein shall announce their candidacy, or shall in fact become a candidate, in any General, Special or Primary Election, for any office of profit or trust under the laws of this State or the United States other than the office then held, at any time when the unexpired term of the office then held shall exceed one [~~4~~] year and 30 days, such announcement or such candidacy shall constitute an automatic resignation of the office then held, and the vacancy thereby created shall be filled pursuant to law in the same manner as other vacancies for such office are filled.

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 8, 2011. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment to change the length of the unexpired term that causes the automatic resignation of certain elected county or district officeholders if they become candidates for another office."

The amendment to **SJR 37** was again read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 except as follows:

Absent-excused: Williams.

On motion of Senator Van de Putte and by unanimous consent, the caption was amended to conform to the body of the resolution as amended.

SJR 37 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Absent-excused: Williams.

SENATE JOINT RESOLUTION 37 ON THIRD READING

Senator Van de Putte moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SJR 37** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Wentworth.

Absent-excused: Williams.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SJR 37**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SJR 37** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The resolution was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Williams.

SENATE BILL 917 ON THIRD READING

On motion of Senator Wentworth and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 917** at this time on its third reading and final passage:

SB 917, Relating to emergency service districts.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Williams.

PERMISSION TO INTRODUCE BILLS AND RESOLUTION

On motion of Senator Whitmire and by unanimous consent, Senate Rule 7.07(b) was suspended to permit the introduction of the following bills and resolution:

SB 1904, SB 1905, SJR 52.

SENATE BILLS AND RESOLUTION ON FIRST READING

The following bills and resolution were introduced, read first time, and referred to the committees indicated:

SB 1904 by Wentworth

Relating to the definition of a governmental body for the purposes of the open meetings and public information laws.

To Committee on Open Government.

SB 1905 by Uresti

Relating to the provision of emergency services in certain rural counties using admission fees charged at state parks.

To Committee on Agriculture and Rural Affairs.

SJR 52 by Ogden

Proposing a constitutional amendment clarifying that a tax imposed on certain business entities is not subject to Section 24, Article VIII, Texas Constitution, and imposing certain limitations on the computation of a tax imposed on a business entity.

To Committee on Finance.

HOUSE BILLS ON FIRST READING

The following bills received from the House were read first time and referred to the committees indicated:

HB 205 to Committee on Finance.

HB 563 to Committee on Transportation and Homeland Security.

HB 610 to Committee on Administration.

HB 679 to Committee on Intergovernmental Relations.

HB 716 to Committee on Natural Resources.

HB 1091 to Committee on Intergovernmental Relations.

HB 1344 to Committee on Criminal Justice.

HB 1404 to Committee on Jurisprudence.

HB 1555 to Committee on Education.

HB 1732 to Committee on Finance.

HB 1808 to Committee on Government Organization.

HB 2014 to Committee on Criminal Justice.

HB 2271 to Committee on Government Organization.

HB 2376 to Committee on Business and Commerce.

SENATE RULE 11.10(a) SUSPENDED**(Public Notice of Committee Meetings)**

On motion of Senator Uresti and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on Administration might meet today.

**SENATE RULE 11.10(a) SUSPENDED
(Public Notice of Committee Meetings)**

On motion of Senator Harris and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on Jurisprudence might meet today.

**SENATE RULE 11.10(a) SUSPENDED
(Public Notice of Committee Meetings)**

On motion of Senator Shapiro and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on Education might meet today.

REMARKS ORDERED PRINTED

On motion of Senator Whitmire and by unanimous consent, the following remarks by Senator Ogden were ordered reduced to writing and printed in the *Senate Journal*:

Mr. President, it is my sad privilege to memorialize Staff Sergeant Scott H. Burgess of Franklin, Texas. Staff Sergeant Scott H. Burgess, along with Staff Sergeant Michael Lammerts of Tonawanda, New York, died April 4th of wounds suffered from small arms fire in Faryab Province, Afghanistan. It is reported that the two soldiers were providing security at a meeting between U.S. commanders and the Afghan border police when an Afghan police officer opened fire, deliberately killing them. They were assigned to the 1st Battalion, 84th Field Artillery Regiment, 170th Infantry Brigade Combat Team, and were promoted posthumously. At the age of 32, Staff Sergeant Burgess was known as "Old Man" to his unit, but the close-knit Franklin community who have been deeply impacted by his loss called him "Scotty." He leaves behind his wife, Jennifer, and two daughters, Haley and Amy, and parents, Sam and Deb, and extended family. Staff Sergeant Burgess' funeral will be in the First Baptist Church of Franklin tomorrow. I ask that we adjourn today in his memory with sorrow, but also with respect, admiration, and gratitude for his life and his sacrifice on our behalf.

CO-AUTHOR OF SENATE BILL 662

On motion of Senator Nichols, Senator Hegar will be shown as Co-author of **SB 662**.

CO-AUTHOR OF SENATE BILL 866

On motion of Senator Deuell, Senator Huffman will be shown as Co-author of **SB 866**.

CO-AUTHOR OF SENATE BILL 922

On motion of Senator Deuell, Senator Van de Putte will be shown as Co-author of **SB 922**.

CO-AUTHOR OF SENATE BILL 1545

On motion of Senator Patrick, Senator Nelson will be shown as Co-author of **SB 1545**.

CO-AUTHOR OF SENATE BILL 1682

On motion of Senator Ellis, Senator Duncan will be shown as Co-author of **SB 1682**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Congratulatory Resolutions

SR 772 by West, Recognizing Clarice Sweeney-Gerald on the occasion of her 80th birthday.

SR 773 by Fraser, Recognizing the Hamilton High School robotics team for winning the 2011 Texas Botball tournament.

SR 774 by Ellis, Recognizing Georgia D. Provost on the occasion of her birthday.

SR 775 by Harris, Recognizing Scott Snow for his service on the board of trustees of the Mansfield Independent School District.

SR 776 by Harris, Recognizing Kimberly Ventura of Irving for being named Outstanding Marketing Student by the Texas Career and Technology Council.

SR 777 by Jackson, Recognizing Jesse Anthony Shipman on the occasion of his high school graduation.

SR 778 by Jackson, Recognizing Andrew Micah George on the occasion of his high school graduation.

SR 779 by Jackson, Recognizing Ráchael Ann Hailey on the occasion of her high school graduation.

SR 780 by Jackson, Recognizing Cassandra Dawn Rhodes on the occasion of her high school graduation.

SR 781 by Jackson, Recognizing Bailey Lane Stephenson on the occasion of her high school graduation.

SR 782 by Jackson, Recognizing Erika Beatriz Gutiérrez on the occasion of her high school graduation.

SR 783 by Jackson, Recognizing Rebecca Louise Crim on the occasion of her high school graduation.

SR 784 by Jackson, Recognizing Danielle Denise Crutcher on the occasion of her high school graduation.

SR 785 by Jackson, Recognizing Kori Christian Polston on the occasion of her high school graduation.

SR 786 by Jackson, Recognizing Toni Annette Dockens on the occasion of her high school graduation.

SR 787 by Jackson, Recognizing Olivia Rebekah Moore on the occasion of her high school graduation.

SR 788 by Jackson, Recognizing Hannah Rebekah Stoltenberg on the occasion of her high school graduation.

SR 789 by Jackson, Recognizing Madison Lanae Marquez on the occasion of her high school graduation.

SR 790 by Jackson, Recognizing Allison Renee Leigon on the occasion of her high school graduation.

SR 791 by Jackson, Recognizing Danica Brett Yates on the occasion of her high school graduation.

Legislative Policy Resolution

SR 792 by Jackson, Supporting a public education campaign on the importance of folic acid in the diets of women of childbearing age.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 2:35 p.m. adjourned, in memory of Scott Burgess, Teel Bevins, Don Kennard, Charlie Wilson, and J. P. Word, until 11:00 a.m. Monday, April 18, 2011.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Secretary of the Senate in the order listed:

April 14, 2011

JURISPRUDENCE — **SB 723, SB 1682**

ECONOMIC DEVELOPMENT — **CSSB 1048**

TRANSPORTATION AND HOMELAND SECURITY — **CSSB 529**

NATURAL RESOURCES — **CSSB 1225, CSSB 1293**

INTERGOVERNMENTAL RELATIONS — **CSSB 373, CSSB 1240, CSSB 1368, SB 1385, SB 1393, SB 1592, CSSB 1596**

EDUCATION — **CSSB 4, CSSB 536**

CRIMINAL JUSTICE — **SB 878, SB 879, SB 880, SB 953**

BUSINESS AND COMMERCE — **CSSB 1291**

BILLS ENGROSSED

April 13, 2011

SB 127, SB 218, SB 496, SB 652, SB 653, SB 932, SB 1010, SB 1154, SB 1273, SB 1301, SB 1341, SB 1361, SB 1504, SB 1605, SB 1612, SB 1630, SB 1846

BILLS AND RESOLUTIONS ENROLLED

April 13, 2011

SB 312, SB 716, SR 689, SR 748, SR 755, SR 757, SR 758, SR 759, SR 761, SR 762, SR 764, SR 765, SR 766, SR 767, SR 768, SR 769

SENT TO GOVERNOR

April 14, 2011

SB 312, SB 716

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FORTY-FOURTH DAY

(Monday, April 18, 2011)

The Senate met at 11:10 a.m. pursuant to adjournment and was called to order by President Pro Tempore Ogden.

The roll was called and the following Senators were present: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

The President Pro Tempore announced that a quorum of the Senate was present.

Father Jungtack John Kim, Saint Mary Cathedral, Austin, offered the invocation as follows:

Almighty God, who is the source of truth, wisdom, and love, we gather seeking Your gifts to aid this assembly in their work for the people of Texas. Guide us by Your wisdom, support us by Your power, lead the people of our state to Your goodness and love so that they might always be in Your abundant blessings. May Your blessings come to each one of us here and to all the people of the State of Texas. All glory be to You, loving God, now and forever. Amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of the previous day be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Monday, April 18, 2011 - 1

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HB 33 Branch

Relating to measures to increase the affordability of textbooks used for courses at public or private institutions of higher education.

HB 35 Menendez

Relating to extending a local behavioral health intervention pilot project.

HB 46 Menendez

Relating to compensatory time off for certain employees of the Parks and Wildlife Department.

HB 119 Castro

Relating to protective orders against dating violence.

HB 184 Johnson

Relating to the cancellation of a special election to fill a vacancy in the legislature.

HB 253 Hilderbran

Relating to the protection of children by ensuring reports of abuse or neglect, protecting children from abuse and neglect, ensuring that births are reported, and prosecuting the offense of bigamy; providing criminal penalties.

HB 360 Jackson, Jim

Relating to ballot language for a proposition to approve the imposition or increase of a tax or the issuance of bonds.

HB 423 Guillen

Relating to the powers of rural and urban transit districts.

HB 533 Villarreal

Relating to the rendition of property for ad valorem tax purposes and to the protest of a penalty imposed for a failure to timely file a rendition statement or property report.

HB 564 Craddick

Relating to maintenance of portable fire extinguishers in government-owned vehicles in certain local governmental jurisdictions.

HB 588 Guillen

Relating to surcharges under the Driver Responsibility Program.

HB 596 Parker

Relating to offenses involving operating a motorboat in a circular course.

HB 600 Solomons

Relating to the composition of the districts for the election of members of the State Board of Education.

HB 725 Callegari

Relating to the operation, powers, and duties of certain water districts.

HB 729 Chisum

Relating to the authority of the board of directors of the Ochiltree County Hospital District to employ health care providers.

- HB 790** Kuempel
Relating to the continuing issuance of freshwater fishing stamps by the Parks and Wildlife Department.
- HB 902** Thompson
Relating to consideration of a bidder's principal place of business in awarding certain municipal contracts.
- HB 908** Thompson
Relating to the division of community property on dissolution of marriage.
- HB 930** Darby
Relating to the requirements for an application for a tax warrant authorizing the seizure of personal property for the payment of ad valorem taxes.
- HB 960** Turner
Relating to the powers of the Central Harris County Regional Water Authority.
- HB 962** Hartnett
Relating to rules regarding return of service.
- HB 975** Dutton
Relating to eligibility to serve on the appraisal review board of an appraisal district.
- HB 988** Kolkhorst
Relating to compensatory time accrued by a correctional officer employed by the Texas Department of Criminal Justice.
- HB 1000** Branch
Relating to the distribution of money appropriated from the national research university fund and to one or more audits of certain general academic teaching institutions in connection with that distribution; making an appropriation.
- HB 1020** Miller, Sid
Relating to minimum liability insurance coverage amounts for persons convicted of offenses related to the operation of a motor vehicle while intoxicated.
- HB 1040** Gallego
Relating to the validation of the creation of, and certain acts related to, a venue project.
- HB 1075** Anderson, Rodney
Relating to an alert for a missing person with an intellectual disability.
- HB 1083** Elkins
Relating to the issuance of an identification card to certain honorably retired peace officers.
- HB 1106** Johnson
Relating to providing certain information to a criminal defendant at the time the defendant is placed on deferred adjudication community supervision and at the time of the dismissal of certain proceedings against the defendant.
- HB 1136** Aycock
Relating to requiring an election authority to provide notice to certain county chairs regarding certain election activities.

- HB 1147** Smith, Wayne
Relating to notice by a governmental entity regarding certain geospatial data products.
- HB 1242** Geren
Relating to the regulation of certain metal dealers; providing criminal penalties.
- HB 1254** Pickett
Relating to consideration of the consolidation of school district employment of peace officers and security personnel in certain counties.
- HB 1263** Lucio III
Relating to the powers, duties, and financing of certain facilities finance corporations.
- HB 1301** Guillen
Relating to making a voluntary contribution to the Parks and Wildlife Department when registering a motor vehicle or renewing a motor vehicle registration.
- HB 1322** Scott
Relating to the possession of fish in the tidal water of this state.
- HB 1330** Raymond
Relating to the use of safety guards or flaps on certain vehicles or vehicle combinations.
- HB 1346** Guillen
Relating to the consistent use of the term "game warden" throughout the Parks and Wildlife Code.
- HB 1379** Anchia
Relating to the purchasing of a firearm from the county by an honorably retired law enforcement officer.
- HB 1400** Elkins
Relating to payment of costs of improvements of a public improvement district designated by a municipality or county.
- HB 1413** Chisum
Relating to the powers and duties of the Castro County Hospital District.
- HB 1426** Farias
Relating to the collection of court costs, fees, fines, and other money by the commissioners courts of certain counties.
- HB 1469** Hernandez Luna
Relating to exempting certain fraternal and veterans organizations from certain bond requirements to obtain an alcoholic beverage permit or license.
- HB 1525** Alvarado
Relating to the board of directors of the Greater East End Management District.
- HB 1527** Miller, Sid
Relating to the certification of the state's primary standards of weights and measures.
- HB 1550** Aycock
Relating to participation in state travel service contracts by open-enrollment charter schools.

- HB 1568** Coleman
Relating to authority of the Harris County Hospital District and certain local governmental entities to appoint, contract for, or employ physicians.
- HB 1768** Munoz, Jr.
Relating to the regulation of roadside vendors and solicitors.
- HB 1814** Lucio III
Relating to the provision of water and certain equipment by water supply or sewer service corporations for use in fire suppression and the liability of those corporations.
- HB 1829** Naishtat
Relating to the transfer to a mental hospital of a person admitted to a facility for emergency detention.
- HB 1832** Ritter
Relating to the law governing the Lower Neches Valley Authority; providing authority to issue bonds.
- HB 1861** Anchia
Relating to the continuation and functions of the Commission on State Emergency Communications.
- HB 1901** Keffer
Relating to the applicability of provisions concerning bond approval by the Texas Commission on Environmental Quality to certain water entities.
- HB 1944** Hilderbran
Relating to the election of the board of directors of the Crockett County Water Control and Improvement District No. 1.
- HB 1953** Kuempel
Relating to notice by sign of an alcoholic beverage permit or license application.
- HB 1955** Thompson
Relating to contracting with a lottery operator by the Texas Lottery Commission.
- HB 1990** Hardcastle
Relating to the authority of the board of directors of the Hardeman County Hospital District to employ physicians and other health care providers.
- HB 2015** Thompson
Relating to certain conduct indicating a need for supervision and the sealing of records related to that conduct.
- HB 2257** Phillips
Relating to the procurement and use of an emergency notification system by public service providers.
- HB 2266** Smith, Wayne
Relating to fire code certificates of compliance.
- HB 2296** Ritter
Relating to the creation of Jefferson County Management District No. 1; providing authority to impose an assessment, impose a tax, and issue bonds.

- HB 2340** Larson
Relating to the creation of a cybersecurity, education, and economic development council.
- HB 2375** Hamilton
Relating to practices and professions regulated by the Texas Appraiser Licensing and Certification Board.
- HB 2463** Reynolds
Relating to access to certain records regarding an employment discrimination claim.
- HB 2670** Miles
Relating to validating certain acts and proceedings of Harris County Improvement District No. 5 and to the boundaries of the district.
- HB 2716** Darby
Relating to the management and preservation of the county clerk's records and to the county clerk's records archive.
- HB 2794** Hunter
Relating to the creation of the Calhoun County Groundwater Conservation District.
- HB 2831** Darby
Relating to maximizing federal funding of extended unemployment benefits.
- HB 2971** Smith, Todd
Relating to the confidentiality of documents evaluating the performance of public school teachers and administrators.
- HB 3000** Thompson
Relating to creating the offense of continuous trafficking of persons; providing a penalty and other civil consequences.
- HB 3333** Pena
Relating to the authority of the governor to order the disconnection of state computer networks from the Internet.
- HCR 63** Geren
Authorizing the lieutenant governor and speaker to appoint interim joint committees.
- SB 18** Estes Sponsor: Geren
Relating to the use of eminent domain authority.
(Committee Substitute/Amended)
- SB 309** Harris Sponsor: Patrick, Diane
Relating to events to receive funding through a major events trust fund.
- SB 386** Williams Sponsor: Harless
Relating to the Lone Star College System District service area.
- SB 458** Seliger Sponsor: Woolley
Relating to initial claims under the unemployment compensation system.
- SB 525** Deuell Sponsor: Phillips
Relating to the protection of water quality in certain bodies of water.
- SB 567** Williams Sponsor: Hancock
Relating to the Texas Life, Accident, Health, and Hospital Service Insurance Guaranty Association.

- SB 684** Huffman Sponsor: Howard, Charlie
Relating to the transfer of the assets of and the dissolution of the Fort Bend County Water Control and Improvement District No. 1.
- SB 727** Seliger Sponsor: Beck
Relating to groundwater conservation district management plans.
- SB 737** Hegar Sponsor: Price
Relating to the management of groundwater production by groundwater conservation districts.
- SB 785** Harris Sponsor: Thompson
Relating to the termination of the parent-child relationship and the duty to pay child support in circumstances involving mistaken paternity.
- SB 832** Rodriguez Sponsor: Quintanilla
Relating to voter eligibility and registration in El Paso County Water Improvement District No. 1.
- SB 890** Carona Sponsor: Hamilton
Relating to certain promotional activities for certain alcoholic beverage permit holders.
- SB 983** Carona Sponsor: Harless
Relating to the elimination of certain requirements for certain customer-specific communications contracts.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

PHYSICIAN OF THE DAY

Senator Fraser was recognized and presented Dr. Monte Home of Hamilton as the Physician of the Day.

The Senate welcomed Dr. Home and thanked him for his participation in the Physician of the Day program sponsored by the Texas Academy of Family Physicians.

SENATE RESOLUTION 763

Senator Hinojosa offered the following resolution:

SR 763, Recognizing April 18, 2011, as Texas A&M University–Corpus Christi Day at the State Capitol.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Hinojosa, joined by Senator Zaffirini, was recognized and introduced to the Senate a Texas A&M University–Corpus Christi delegation: Dr. Flavius Killebrew, Samantha Hernandez, Clara Light, Valerie Ferdin, Kelsey Lyssy, and DeAnn Elizondo.

The Senate welcomed its guests.

SENATE CONCURRENT RESOLUTION 42

The President Pro Tempore laid before the Senate the following resolution:

SCR 42, Recognizing Ronnie G. Jung on the occasion of his retirement as executive director of the Teacher Retirement System of Texas.

DUNCAN

The resolution was read.

On motion of Senator Eltife and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Duncan, the resolution was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of the resolution.

GUESTS PRESENTED

Senator Duncan was recognized and introduced to the Senate Ronnie Jung and Diann Jung.

The Senate welcomed its guests.

SENATE RESOLUTION 760

Senator Shapiro offered the following resolution:

SR 760, Recognizing Service Learning Adventures in North Texas.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Shapiro was recognized and introduced to the Senate Nancy Webb, Vice-president of Organizational Advancement, Big Thought, and Amanda Duquette, SLANT 45 Program Manager.

The Senate welcomed its guests.

SENATE RESOLUTION 770

Senator Patrick offered the following resolution:

SR 770, Recognizing the 2011 Governor William P. Clements, Jr., Scholars for their commitment to public service and public policy.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Patrick was recognized and introduced to the Senate Governor William P. Clements, Jr., Scholars: Ashley Kim, Travis McCormick, John Ruff, Tim Ross, Desiree Smith, and Ashley Westenhover.

The Senate welcomed its guests.

SENATE RESOLUTION 795

Senator Lucio offered the following resolution:

SR 795, In memory of H. William Card, Jr., of Harlingen.

The resolution was read.

On motion of Senator Lucio, **SR 795** was adopted by a rising vote of the Senate.

In honor of the memory of H. William Card, Jr., the text of the resolution is printed at the end of today's *Senate Journal*.

GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate Patti and David Smith and Bill and Darla Card.

The Senate welcomed its guests and extended its sympathy.

INTRODUCTION OF BILLS AND RESOLUTIONS POSTPONED

The President Pro Tempore announced that the introduction of bills and resolutions on first reading would be postponed until the end of today's session.

There was no objection.

CONCLUSION OF MORNING CALL

The President Pro Tempore at 11:53 a.m. announced the conclusion of morning call.

SENATE BILL 1568 ON SECOND READING

On motion of Senator Estes and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1568** at this time on its second reading:

SB 1568, Relating to shareholder standing after a merger.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 1568 ON THIRD READING

Senator Estes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1568** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 1568**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 1568** would

have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1618 ON SECOND READING**

On motion of Senator Seliger and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1618** at this time on its second reading:

CSSB 1618, Relating to reporting requirements of state agencies and school districts.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1618 ON THIRD READING**

Senator Seliger moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1618** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1618**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1618** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 266 ON SECOND READING**

On motion of Senator Williams and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 266** at this time on its second reading:

CSSB 266, Relating to notice required in connection with possessory liens on motor vehicles.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 266 ON THIRD READING**

Senator Williams moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 266** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 266**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 266** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 843 ON SECOND READING

Senator Patrick moved to suspend the regular order of business to take up for consideration **SB 843** at this time on its second reading:

SB 843, Relating to the prosecution of the offense of failure to identify.

The motion prevailed.

Senators Davis and Fraser asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Hinojosa offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 843** (Senate committee printing) in SECTION 1 of the bill, in added Section 38.02(a)(1), Penal Code (page 1, line 15), by striking "or lawfully detained the person" and substituting "the person or placed the person under restraint pursuant to a lawful detention".

HINOJOSA
LUCIO

The amendment to **SB 843** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Patrick and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

SB 843 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Davis, Fraser.

SENATE BILL 843 ON THIRD READING

Senator Patrick moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 843** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 3.

Yeas: Birdwell, Carona, Deuell, Duncan, Ellis, Eltife, Estes, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Davis, Fraser, Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 843**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 843** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2.

Yeas: Birdwell, Carona, Deuell, Duncan, Ellis, Eltife, Estes, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Davis, Fraser.

SENATE BILL 1002 ON SECOND READING

On motion of Senator Van de Putte and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1002** at this time on its second reading:

SB 1002, Relating to the designation of program costs for providing bill payment assistance to certain military veterans as a necessary operating expense that is a first lien against revenue of certain electric and gas utilities' revenue securing certain public securities or obligations.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 1002 ON THIRD READING

Senator Van de Putte moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1002** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 1002**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 1002** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

GUEST PRESENTED

Senator Carona was recognized and introduced to the Senate his son, Joey Carona.

The Senate welcomed its guest.

(Senator Carona in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 1420 ON SECOND READING**

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1420** at this time on its second reading:

CSSB 1420, Relating to the continuation and functions of the Texas Department of Transportation; providing penalties.

The bill was read second time.

Senator Hinojosa offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1420** (senate committee printing) in SECTION 19 of the bill by striking added Section 223.017, Transportation Code (page 11, lines 33-52), and substituting the following:

Sec. 223.017. DESIGN-BUILD CONTRACTS FOR NONTOLLED HIGHWAY PROJECTS. (a) In this section, "design-build contract" means an agreement with a private entity for the design and construction, rehabilitation, expansion, or improvement of a highway project that may include the maintenance of the highway but does not include the financing or operation of the highway.

(b) Notwithstanding the requirements of this subchapter and Chapter 2254, Government Code, the department may enter into a design-build contract for a nontolled highway project.

(c) If the department enters into a design-build contract under this section, the department shall use a competitive procurement process that provides the best value for the department.

(d) The commission shall adopt rules to implement this section. Rules adopted under this subsection shall establish:

(1) criteria for selecting projects to be developed under a design-build contract, which must include consideration of:

(A) project size and complexity; and

(B) the timeliness of project completion under the proposed schedule;

(2) procedures for selecting a developer for a design-build contract, including criteria relating to the qualifications of participants and the award of a contract; and

(3) other criteria the commission considers appropriate.

The amendment to **CSSB 1420** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

Senator Ogden offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 1420** (senate committee printing) by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS accordingly:

SECTION _____. (a) Chapter 201, Transportation Code, is amended by adding Subchapter I-1 to read as follows:

SUBCHAPTER I-1. ENVIRONMENTAL REVIEW PROCESS

Sec. 201.751. DEFINITIONS. In this subchapter:

(1) "Day" means a calendar day.

(2) "Federal Highway Administration" means the United States Department of Transportation Federal Highway Administration.

(3) "Highway project" means a highway or related improvement that is:

(A) part of the state highway system; or

(B) not part of the state highway system but funded wholly or partly by federal money.

(4) "Local government sponsor" means a political subdivision of the state that:

(A) elects to participate in the planning, development, design, funding, or financing of a highway project; and

(B) is a municipality or a county, a group of adjoining counties, a county acting under Chapter 284, a regional tollway authority operating under Chapter 366, a regional mobility authority operating under Chapter 370, a local government corporation, or a transportation corporation created under Chapter 431.

Sec. 201.752. STANDARDS. (a) The commission by rule shall establish standards for processing an environmental review document for a highway project. The standards must increase efficiency, minimize delays, and encourage collaboration and cooperation by the department with a local government sponsor, with a goal of prompt approval of legally sufficient documents.

(b) The standards apply regardless of whether the environmental review document is prepared by the department or a local government sponsor. The standards apply to work performed by the sponsor and to the department's review process and environmental decision.

(c) The standards must address, for each type of environmental review document:

(1) the issues and subject matter to be included in the project scope prepared under Section 201.754;

(2) the required content of a draft environmental review document;

(3) the process to be followed in considering each type of environmental review document; and

(4) review deadlines, including the deadlines in Section 201.759.

(d) The standards must include a process for resolving disputes arising under this subchapter, provided that the dispute resolution process must be concluded not later than the 60th day after the date either party requests dispute resolution.

Sec. 201.753. ENVIRONMENTAL REVIEW LIMITED TO CERTAIN PROJECTS. (a) A local government sponsor or the department may prepare an environmental review document for a highway project only if the highway project is:

(1) identified in the financially constrained portion of the approved state transportation improvement program or the financially constrained portion of the approved unified transportation program; or

(2) identified by the commission as being eligible for participation under this subchapter.

(b) Notwithstanding Subsection (a), a local government sponsor may prepare an environmental review document for a highway project that is not identified by the commission or in a program described by Subsection (a) if the sponsor submits with its notice under Section 201.755 a fee in an amount established by commission rule, but not to exceed the actual cost of reviewing the environmental review document.

(c) A fee received by the department under Subsection (b) must be deposited in the state highway fund and used to pay costs incurred under this subchapter.

Sec. 201.754. SCOPE OF PROJECT. If an environmental review document is prepared by a local government sponsor, the local government sponsor must prepare a detailed scope of the project in collaboration with the department before the department may process the environmental review document.

Sec. 201.755. NOTICE TO DEPARTMENT. (a) A local government sponsor may submit notice to the department proposing that the local government sponsor prepare the environmental review document for a highway project.

(b) The notice must include:

(1) the project scope prepared under Section 201.754; and

(2) a request for classification of the project.

Sec. 201.756. LOCAL GOVERNMENT SPONSOR RESPONSIBILITIES. A local government sponsor that submits notice under Section 201.755 is responsible for preparing all materials for:

- (1) project scope determination;
- (2) environmental reports;
- (3) the environmental review document;
- (4) environmental permits and conditions;
- (5) coordination with resource agencies; and
- (6) public participation.

Sec. 201.757. DETERMINATION OF ADMINISTRATIVELY COMPLETE ENVIRONMENTAL REVIEW DOCUMENT. (a) A local government sponsor's submission of an environmental review document must include a statement from the local government sponsor that the document is administratively complete, ready for technical review, and compliant with all applicable requirements.

(b) Not later than the 20th day after the date the department receives a local government sponsor's environmental review document, the department shall either:

(1) issue a letter confirming that the document is administratively complete and ready for technical review; or

(2) decline to issue a letter confirming that the document is administratively complete and ready for technical review, in accordance with Section 201.758.

Sec. 201.758. DEPARTMENT DECLINES TO CONFIRM THAT DOCUMENT IS ADMINISTRATIVELY COMPLETE. (a) The department may decline to issue a letter confirming that a document is administratively complete and ready for technical review only if the department sends a written response to the local government sponsor specifying in reasonable detail the basis for its conclusions, including a listing of any required information determined by the department to be missing from the document.

(b) If the department provides notice under Subsection (a), the department shall undertake all reasonable efforts to cooperate with the local government sponsor in a timely manner to ensure that the document is administratively complete.

(c) The local government sponsor may resubmit any environmental review document determined by the department under Section 201.757 not to be administratively complete, and the department shall issue a determination letter on the resubmitted document not later than the 20th day after the date the document is resubmitted.

Sec. 201.759. REVIEW DEADLINES. (a) The following deadlines must be included in the standards adopted under Section 201.752:

(1) the department shall issue a classification letter not later than the 30th day after the date the department receives notice from a local government sponsor under Section 201.755;

(2) for a project classified as a programmatic categorical exclusion, the environmental decision must be rendered not later than the 60th day after the date the supporting documentation is received by the department;

(3) for a project classified as a categorical exclusion, the environmental decision must be rendered not later than the 90th day after the date the supporting documentation is received by the department;

(4) for a project that requires the preparation of an environmental assessment:

(A) the department must provide all department comments on a draft environmental assessment not later than the 90th day after the date the draft is received by the department; and

(B) the department must render the environmental decision on the project not later than the 60th day after the later of:

(i) the date the revised environmental assessment is submitted to the department; or

(ii) the date the public involvement process concludes;

(5) the department must render the environmental decision on any reevaluation not later than the 120th day after the date the supporting documentation is received by the department; and

(6) for a project that requires the preparation of an environmental impact statement, the department shall render the environmental decision not later than the 120th day after the date the draft final environmental impact statement is submitted.

(b) Review deadlines under this section specify the date by which the department will render the environmental decision on a project or the time frames by which the department will make a recommendation to the Federal Highway Administration, as applicable.

(c) A deadline that falls on a weekend or official state holiday is considered to occur on the next business day.

Sec. 201.760. SUSPENSION OF TIME PERIODS. The computation of review deadlines under Section 201.759 does not begin until an environmental review document is determined to be administratively complete, and is suspended during any period in which:

(1) the document that is the subject of the review is being revised by or on behalf of the local government sponsor in response to department comments;

(2) the highway project is the subject of additional work, including a change in design of the project, and during the identification and resolution of new significant issues; or

(3) the local government sponsor is preparing a response to any issue raised by legal counsel for the department concerning compliance with applicable law.

Sec. 201.761. AGREEMENT BETWEEN LOCAL GOVERNMENT SPONSOR AND DEPARTMENT. Notwithstanding any provision of this subchapter or any other law, a local government sponsor and the department may enter into an agreement that defines the relative roles and responsibilities of the parties in the preparation and review of environmental review documents for a specific project. For a project for which an environmental decision requires the approval of the Federal Highway Administration and to the extent otherwise permitted by law, the Federal Highway Administration may also be a party to an agreement between a local government sponsor and the department under this section.

Sec. 201.762. REPORTS TO COMMISSION AND LEGISLATURE. (a) Not later than June 30 and December 31 of each year, the department shall submit a report to the commission at a regularly scheduled commission meeting identifying projects being processed under the procedures of this subchapter and the status of each project, including:

(1) how the project was classified for environmental review;
(2) the current status of the environmental review;
(3) the date on which the department is required to make an environmental decision under applicable deadlines;

(4) an explanation of any delays; and

(5) any deadline under Section 201.759 missed by the department.

(b) Not later than December 1 of each year, the department shall submit a report to the members of the standing legislative committees with primary jurisdiction over matters related to transportation regarding the implementation of this subchapter, including a status report for the preceding 12-month period that contains the information described in Subsection (a).

(c) The department shall post copies of the reports required under this section on its Internet website and shall provide a copy of the report required by Subsection (b) to each member of the legislature who has at least one project covered by the report in the member's district.

(d) The department shall make available on its Internet website and update regularly the status of projects being processed under this subchapter.

(b) The Texas Transportation Commission shall adopt rules to implement Subchapter I-1, Chapter 201, Transportation Code, as added by this Act, not later than March 1, 2012.

(c) Subchapter I-1, Chapter 201, Transportation Code, as added by this Act, applies only to a notice of a local government sponsor proposing the sponsor's preparation of an environmental review document that is received by the Texas Department of Transportation on or after the effective date of this Act. Submissions to the Texas Department of Transportation received before the effective date of this Act are governed by the law in effect on the date the submission was received, and that law is continued in effect for that purpose.

The amendment to **CSSB 1420** was read and was adopted by the following vote: Yeas 23, Nays 8.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Gallegos, Harris, Hinojosa, Jackson, Lucio, Ogden, Rodriguez, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Fraser, Hegar, Huffman, Nelson, Nichols, Patrick, Seliger.

On motion of Senator Hinojosa and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1420 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

COMMITTEE SUBSTITUTE
SENATE BILL 1420 ON THIRD READING

Senator Hinojosa moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1420** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1420**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1420** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

(President in Chair)

COMMITTEE SUBSTITUTE
SENATE BILL 1132 ON SECOND READING

On motion of Senator Hegar and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1132** at this time on its second reading:

CSSB 1132, Relating to the water rights permits issued to the Texas Water Development Board for the Allens Creek Reservoir.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1132 ON THIRD READING**

Senator Hegar moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1132** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1132**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1132** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1065 ON SECOND READING**

On motion of Senator Williams and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1065** at this time on its second reading:

CSSB 1065, Relating to critical incident stress management and crisis response services.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1065 ON THIRD READING**

Senator Williams moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1065** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1065**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1065** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1617 ON SECOND READING

Senator Harris moved to suspend the regular order of business to take up for consideration **SB 1617** at this time on its second reading:

SB 1617, Relating to the discretionary transfer from a juvenile court to a criminal court of certain alleged offenses arising out of a single criminal transaction.

The motion prevailed.

Senator West asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: West.

SENATE BILL 1617 ON THIRD READING

Senator Harris moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1617** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Whitmire, Williams, Zaffirini.

Nays: Wentworth, West.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 1617**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 1617** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1.

Nays: West.

GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate Cristina Garcia and Carly Pappert of Murchison Middle School, serving today as Honorary Senate Pages.

The Senate welcomed its guests.

SENATE BILL 152 ON SECOND READING

Senator Huffman moved to suspend the regular order of business to take up for consideration **SB 152** at this time on its second reading:

SB 152, Relating to the admissibility of evidence of other similar offenses in the prosecution of certain sexual offenses.

The motion prevailed by the following vote: Yeas 23, Nays 8.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Uresti, Van de Putte, Wentworth, Williams, Zaffirini.

Nays: Davis, Ellis, Gallegos, Hinojosa, Rodriguez, Watson, West, Whitmire.

The bill was read second time.

Senator Huffman offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 152** (senate committee report) as follows:

(1) In SECTION 1 of the bill (page 1, line 34), by striking "shall" and substituting "may".

(2) In SECTION 1 of the bill (page 1, between lines 57 and 58), insert the following new Section 3 and renumbering the subsequent sections of amended Article 38.37, Code of Criminal Procedure, accordingly:

"Sec. 3. Before evidence may be introduced described by Section 2:

(1) a hearing shall be conducted out of the presence of the jury; and

(2) the trial judge should only admit evidence of a similar offense subject to the introduction of enough evidence to support a finding that the similar offense has been proved beyond a reasonable doubt."

The amendment to **SB 152** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

Senator Duncan offered the following amendment to the bill:

Floor Amendment No. 2

Amend **SB 152** (Senate committee printing) in SECTION 1 of the bill, in amended Section 3, Article 38.37, Code of Criminal Procedure, as follows:

(1) On page 1, line 58, strike "On timely request by the defendant, the" and substitute "The [~~On timely request by the defendant, the~~]".

(2) On page 1, lines 60-62, strike "in the same manner as the state is required to give notice under Rule 404(b), Texas Rules of Evidence" and substitute "not later than the 30th day before the date of the defendant's trial [~~in the same manner as the state is required to give notice under Rule 404(b), Texas Rules of Evidence]~~".

The amendment to **SB 152** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 2.

Senator Van de Putte offered the following amendment to the bill:

Floor Amendment No. 3

Amend **SB 152** (senate committee printing) in SECTION 1 of the bill, in added Section 2(2), Article 38.37, Code of Criminal Procedure (page 1, line 46), between "under" and "Section 21.02", by inserting "Section 20A.02 that is punishable as a felony of the first degree under Section 20A.02(b)(1) (Sex Trafficking of a Child),".

The amendment to **SB 152** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 3.

On motion of Senator Huffman and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

SB 152 as amended was passed to engrossment by the following vote: Yeas 23, Nays 8.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Uresti, Van de Putte, Wentworth, Williams, Zaffirini.

Nays: Davis, Ellis, Gallegos, Hinojosa, Rodriguez, Watson, West, Whitmire.

**PERMISSION TO INTRODUCE BILLS AND RESOLUTION
(Motion In Writing)**

On motion of Senator Whitmire and by unanimous consent, Senate Rule 7.07(b) was suspended to permit the introduction of the following bills and resolution:

SB 2, SB 1900, SB 1906, SB 1907, SB 1908, SB 1909, SJR 5.

SENATE BILLS AND RESOLUTION ON FIRST READING

The following bills and resolution were introduced, read first time, and referred to the committees indicated:

SB 2 by Jackson

Relating to certain economic and workforce development programs through which employers may receive grants and subsidies.

To Committee on Economic Development.

SB 1900 by Duncan

Relating to the ability to exclude certain territory from the Hamlin Hospital District.

To Committee on Intergovernmental Relations.

SB 1906 by Wentworth

Relating to certain notice requirements for municipalities and counties under the open meetings law.

To Committee on Open Government.

SB 1907 by Wentworth

Relating to access to certain archaic information.

To Committee on Open Government.

SB 1908 by Lucio

Relating to the authority of a general-law municipality to annex territory receiving water and sewer services from a municipal utility district.

To Committee on International Relations and Trade.

SB 1909 by Lucio

Relating to The University of Texas at Brownsville, including its partnership agreement with the Texas Southmost College District.

To Committee on Higher Education.

SJR 5 by Ogden

Proposing a constitutional amendment relating to determination of the market value of the permanent school fund and providing for certain transfers from the permanent school fund to the available school fund.

To Committee on Finance.

CO-AUTHOR OF SENATE BILL 841

On motion of Senator Patrick, Senator Seliger will be shown as Co-author of **SB 841**.

CO-AUTHOR OF SENATE BILL 1002

On motion of Senator Van de Putte, Senator Rodriguez will be shown as Co-author of **SB 1002**.

CO-AUTHOR OF SENATE BILL 1319

On motion of Senator Lucio, Senator Carona will be shown as Co-author of **SB 1319**.

CO-AUTHOR OF SENATE BILL 1320

On motion of Senator Lucio, Senator Carona will be shown as Co-author of **SB 1320**.

CO-AUTHOR OF SENATE BILL 1331

On motion of Senator Watson, Senator Ellis will be shown as Co-author of **SB 1331**.

CO-AUTHOR OF SENATE BILL 1551

On motion of Senator Rodriguez, Senator Uresti will be shown as Co-author of **SB 1551**.

CO-AUTHOR OF SENATE BILL 1618

On motion of Senator Seliger, Senator Nelson will be shown as Co-author of **SB 1618**.

CO-AUTHOR OF SENATE CONCURRENT RESOLUTION 36

On motion of Senator Williams, Senator Davis will be shown as Co-author of **SCR 36**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Congratulatory Resolutions

SR 794 by Seliger, Congratulating Andrea Cazares for winning the 2011 national championship in powerlifting.

SR 796 by Fraser, Recognizing the 50th anniversary of the C-130 Hercules aircraft at Dyess Air Force Base.

Official Designation Resolution

SR 793 by Shapiro, Declaring the month of April, 2011, Genocide Awareness and Prevention Month.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 2:05 p.m. adjourned, in memory of Gregory M. Simmons, James Clarke Box, and H. William Card, Jr., until 11:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Secretary of the Senate in the order listed:

April 18, 2011

JURISPRUDENCE — CSSB 1159, CSSB 1551

BUSINESS AND COMMERCE — CSSB 1431, CSSB 1656, CSSB 767, CSSB 1320, CSSB 1434, CSSB 1693

HIGHER EDUCATION — SB 145, CSSJR 50, CSSB 1648, CSSB 1799, SB 1555

INTERGOVERNMENTAL RELATIONS — CSSB 641

CRIMINAL JUSTICE — CSSB 604, CSSB 687, CSSB 811, SB 838, CSSB 905, CSSB 1014, SB 1024, CSSB 1116

BUSINESS AND COMMERCE — CSSB 1219, CSSB 1319

CRIMINAL JUSTICE — SB 1331, SB 1378

BUSINESS AND COMMERCE — CSSB 1450

CRIMINAL JUSTICE — SB 1522, CSSB 1687

JURISPRUDENCE — CSSB 220, CSSB 1717, CSSB 1489

OPEN GOVERNMENT — CSSB 1421

CRIMINAL JUSTICE — CSSB 877, CSSB 462

EDUCATION — CSSB 12, CSSB 89, CSSB 224

NATURAL RESOURCES — CSSB 573, CSSB 637, CSSB 1290, CSSB 1478

EDUCATION — CSSB 205, CSSB 518, CSSB 1383, CSSB 1872

TRANSPORTATION AND HOMELAND SECURITY — HB 314, HB 367, HB 1409, SB 1376, SB 1706, SB 1707, SB 1708, SB 1709, SB 1710, SB 1711

HIGHER EDUCATION — CSSB 1325

BILLS AND RESOLUTION ENGROSSED

April 14, 2011

SB 29, SB 54, SB 100, SB 162, SB 198, SB 223, SB 226, SB 233, SB 234, SB 291, SB 402, SB 407, SB 412, SB 442, SB 469, SB 470, SB 550, SB 554, SB 577, SB 620, SB 650, SB 662, SB 711, SB 797, SB 820, SB 821, SB 833, SB 844, SB 847, SB 898, SB 910, SB 915, SB 916, SB 917, SB 988, SB 1001, SB 1030, SB 1042, SB 1044, SB 1068, SB 1082, SB 1106, SB 1109, SB 1140, SB 1147, SB 1157, SB 1170, SB 1179, SB 1236, SB 1251, SB 1267, SB 1270, SB 1272, SB 1292, SB 1327, SB 1338, SB 1352, SB 1364, SB 1462, SB 1484, SB 1492,

**SB 1545, SB 1578, SB 1635, SB 1650, SB 1680, SB 1739, SB 1885, SB 1886,
SB 1887, SJR 37**

RESOLUTIONS ENROLLED

April 14, 2011

**SR 653, SR 771, SR 772, SR 773, SR 774, SR 775, SR 776, SR 777, SR 778,
SR 779, SR 780, SR 781, SR 782, SR 783, SR 784, SR 785, SR 786, SR 787,
SR 788, SR 789, SR 790, SR 791, SR 792**

In Memory
of
H. William Card, Jr.
Senate Resolution 795

WHEREAS, The Senate of the State of Texas joins the citizens of Harlingen in mourning the loss of longtime civic leader H. William Card, Jr., who died July 18, 2010, at the age of 88; and

WHEREAS, Bill Card was an exemplary citizen who was widely admired in the community for his many achievements; he came to Harlingen in 1968 to become commandant of the Marine Military Academy following a distinguished 28-year career in the United States Marine Corps, during which he saw combat at Iwo Jima and rose to the rank of colonel; and

WHEREAS, Mr. Card entered the banking industry in 1975 and went on to become president of the First National Bank of Harlingen; and

WHEREAS, Mr. Card served as mayor of Harlingen from 1987 to 1998; blessed with the ability to bring together diverse points of view for the common good, he was able to convince the leaders of neighboring cities to work cooperatively for mutual goals; he was one of the longest-serving mayors in the city's history, and he never stopped working to make Harlingen a better city; and

WHEREAS, A man of courage, strength, and compassion, Bill Card gave generously to others, and his wisdom, his positive attitude, and his dedication to his community will not be forgotten by those who knew him; he was beloved by his family and friends, and he will long be remembered with affection and appreciation by all those who were privileged to share in his life; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby extend sincere condolences to the bereaved family and friends of H. William Card, Jr.; and, be it further

RESOLVED, That a copy of this Resolution be prepared for his family as an expression of deepest sympathy from the Texas Senate, and that when the Senate adjourns this day, it do so in memory of Bill Card.

LUCIO

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FORTY-FIFTH DAY

(Tuesday, April 19, 2011)

The Senate met at 11:18 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

The President announced that a quorum of the Senate was present.

Lieutenant Colonel Stephen Vaughn, Chaplain, Texas Army National Guard, was introduced by Senator Watson and offered the invocation as follows:

Our Father, we bow before You as this august body goes about the business of providing for the citizens of our state. The challenges have been and are great. We humbly ask that You would grant Your divine wisdom, not for our glory or our advancement but rather that our citizens might lead a quiet life of godliness and peace. We are challenged today, Father, with weather and the consequent fires that have devastated our state. Keep Your hand of protection upon those who fight these fires, strengthen those who have lost so much already. And in Your mercy and kindness, Father, we ask for relief from this unusual weather. We ask in Your blessed name. Amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of the previous day be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Tuesday, April 19, 2011 - 1

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HB 992

Castro

Relating to excess undergraduate credit hours at public institutions of higher education.

HB 1148

Smith, Wayne

Relating to an exemption for certain disabled veterans from the payment of a fee for the issuance of a personal identification certificate.

HB 1206

Guillen

Relating to training for members of governing boards of public junior college districts.

HB 1325

Hartnett

Relating to payment of the costs for services of a guardian ad litem, court visitor, and attorney ad litem in a guardianship proceeding.

HB 1353

Elkins

Relating to speed limits.

HB 1614

Gooden

Relating to fees for process server certification.

HB 1774

Taylor, Larry

Relating to the continuation and functions of the office of injured employee counsel under the workers' compensation program.

HB 1806

Flynn

Relating to fishing tournament fraud; providing penalties.

HB 1917

Schwertner

Relating to the removal of appointed emergency services commissioners by a commissioners court.

HB 2251

Bonnen

Relating to the continuation and functions of the Texas Public Finance Authority.

HB 2499

Cook

Relating to the continuation and functions of the Department of Information Resources and the transfer of certain department functions to the comptroller of public accounts.

HB 2582

Murphy

Relating to the repeal of the partial tax exemption for certain beer.

HB 2866

Harper-Brown

Relating to the electronic submission of certain documents to the attorney general and the submission of certain documents by the attorney general; imposing certain fees.

HCR 9

Branch

Congratulating the Honorable Jack Pope on the occasion of his 98th birthday.

HCR 69

Hopson

Directing the Texas Facilities Commission to name the Department of State Health Services Laboratory Services Section building in Austin in honor of former state representative Dr. Bob Glaze.

HCR 120 Kuempel
In memory of Thomas Peter Whalen of Schertz.

SB 423 Lucio Sponsor: Menendez
Relating to health insurance coverage for eligible survivors of certain public servants killed in the line of duty.
(Amended)

SB 691 Estes Sponsor: King, Tracy O.
Relating to the exemption from permitting by groundwater conservation districts for certain water wells used for domestic, livestock, and poultry watering purposes.

SCR 42 Duncan Sponsor: Truitt
Recognizing Ronnie G. Jung on the occasion of his retirement as executive director of the Teacher Retirement System of Texas.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

GUESTS PRESENTED

Senator Birdwell was recognized and introduced to the Senate Autumn Parker from Midlothian, serving as an Honorary Senate Page, and her grandfather, Bill Carson.

The Senate welcomed its guests.

GUEST PRESENTED

Senator Davis was recognized and introduced to the Senate Taylor Smith of Fort Worth, serving today as an Honorary Senate Page.

The Senate welcomed its guest.

GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate Thomas Farmer of Trinity Episcopal School and Lillie Adams of O. Henry Middle School, both serving as Honorary Senate Pages.

The Senate welcomed its guests.

SENATE RESOLUTION 733

Senator Deuell offered the following resolution:

SR 733, Recognizing April 19, 2011, as Balch Springs Day at the State Capitol.

The resolution was again read.

The resolution was previously adopted on Thursday, April 7, 2011.

GUESTS PRESENTED

Senator Deuell was recognized and introduced to the Senate a Balch Springs delegation.

The Senate welcomed its guests.

BILLS SIGNED

The President announced the signing of the following enrolled bills in the presence of the Senate after the captions had been read:

SB 309, SB 386, SB 458, SB 525, SB 567, SB 684, SB 727, SB 737, SB 785, SB 832, SB 890, SB 983.

NOMINATION RETURNED

On motion of Senator Deuell and by unanimous consent, the Senate agreed to grant the request of the Governor to return the following nomination:

Member, Coastal Coordination Council: Bob McCan, Victoria County.

REPORT OF COMMITTEE ON NOMINATIONS

Senator Deuell submitted the following report from the Committee on Nominations:

We, your Committee on Nominations, to which were referred the following appointments, have had same under consideration and report them back to the Senate with a recommendation that they be confirmed:

Judge, 128th Judicial District Court, Orange County: Courtney R. Burch-Arkeen, Orange County.

Members, Governing Board, Department of Information Resources: Richard S. Moore, Goliad County; Phillip Keith Morrow, Tarrant County; Wanda Chandler Rohm, Bexar County.

Member, Executive Council of Physical Therapy and Occupational Therapy Examiners: Arthur Roger Matson, Williamson County.

Member, State Preservation Board: Ida Louise Clement Steen, Bexar County.

Members, Board of Directors, Texas Economic Development Corporation: David Gregorio Cabrales, Dallas County; Marc Angelley Farmer, Lubbock County; Mario Omar Garcia, Wilson County; Macedonio Villarreal, Fort Bend County.

Member, Texas Lottery Commission: J. Winston Krause, Travis County.

Members, Texas Racing Commission: Alan Scott Haywood, Travis County; Gloria Hicks, Nueces County; Michael Floyd Martin, Bexar County; Robert Herman Schmidt, Parker County.

Members, Board of Directors, Texas School Safety Center: Amy L. C. Clapper, Williamson County; Dewey Michael Cox, Hays County; Garry Edward Eoff, Brown County; Daniel Riley Griffith, Travis County; Carl Alonzo Montoya, Cameron County; Adelaida Olivarez, Travis County; James Richard Pendell, El Paso County; Stephen Paul Raley, Angelina County; Dawn DuBose Randle, Harris County; Ruben Gonzales Reyes, Lubbock County.

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Deuell gave notice that he would tomorrow at the conclusion of morning call submit to the Senate for consideration nominations to agencies, boards, and commissions of the state.

CONCLUSION OF MORNING CALL

The President at 11:29 a.m. announced the conclusion of morning call.

GUESTS PRESENTED

Senator Uresti was recognized and introduced to the Senate a San Antonio Concordia Lutheran Middle School delegation including student, Catherine Granados, and teachers, Ms. Buffington, Ms. Davis, and Mr. Hamann.

The Senate welcomed its guests.

**COMMITTEE SUBSTITUTE
SENATE BILL 7 ON SECOND READING**

On motion of Senator Nelson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 7** at this time on its second reading:

CSSB 7, Relating to strategies for and improvements in quality of health care provided through and care management in the child health plan and medical assistance programs designed to achieve healthy outcomes and efficiency.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 7 ON THIRD READING**

Senator Nelson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 7** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 7**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 7** would

have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 8 ON SECOND READING**

On motion of Senator Nelson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 8** at this time on its second reading:

CSSB 8, Relating to improving the quality and efficiency of health care.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 8 ON THIRD READING**

Senator Nelson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 8** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 8**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 8** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 536 ON SECOND READING**

Senator Davis moved to suspend the regular order of business to take up for consideration **CSSB 536** at this time on its second reading:

CSSB 536, Relating to the use of certain discipline management practices or behavior management techniques by peace officers employed or commissioned by school districts.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Hegar, Ogden.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Hegar, Ogden.

**COMMITTEE SUBSTITUTE
SENATE BILL 536 ON THIRD READING**

Senator Davis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 536** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 3.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Hegar, Ogden, Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 536**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has

already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 536** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Hegar, Ogden.

COMMITTEE SUBSTITUTE SENATE BILL 1250 ON SECOND READING

On motion of Senator Lucio and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1250** at this time on its second reading:

CSSB 1250, Relating to the applicability of certain restrictions on the location and operation of concrete crushing facilities.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 1250 ON THIRD READING

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1250** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1250**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying

the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1250** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 717 ON SECOND READING

On motion of Senator Harris and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 717** at this time on its second reading:

SB 717, Relating to the purpose and duties of the Council on Children and Families.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 717 ON THIRD READING

Senator Harris moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 717** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 717**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 717** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed.

Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

(Senator Eltife in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 866 ON SECOND READING**

On motion of Senator Deuell and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 866** at this time on its second reading:

CSSB 866, Relating to the education of public school students with dyslexia, the education and training of educators who teach students with dyslexia, and the assessment of students with dyslexia attending an institution of higher education.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 866 ON THIRD READING**

Senator Deuell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 866** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 866**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 866** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed.

Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 295 ON SECOND READING**

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 295** at this time on its second reading:

CSSB 295, Relating to the definition of emergency services personnel for purposes of the enhanced penalty prescribed for an assault committed against a person providing emergency services.

The bill was read second time.

Senator Watson offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 295** as follows:

(1) In SECTION 1 of the bill (Committee printing page 1, lines 14 and 15), strike the recital and substitute the following:

SECTION 1. Section 22.01, Penal Code, is amended by amending Subsection (b) and adding Subsection (b-2) to read as follows:

(2) In SECTION 1 of the bill, in Section 22.01, Penal Code (Committee printing page 1, between lines 52 and 53), add Subsection (b-2) to read as follows:

(b-2) It is an exception to the application of Subsection (b)(6) that:

(1) the actor is a patient; and

(2) the emergency room personnel has not received training in de-escalation and crisis intervention techniques to facilitate interaction with patients, including patients with mental impairments, that meets minimum standards established by the Department of State Health Services.

(3) In SECTION 2 of the bill, in added Subdivision (4), Subsection (e), Section 22.01, Penal Code (Committee printing page 2, lines 12-15), following "emergency situations" strike "and has received training in de-escalation and crisis intervention techniques to facilitate interaction with patients and the public, including those with mental impairments"

The amendment to **CSSB 295** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Watson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 295 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 295 ON THIRD READING**

Senator Watson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 295** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 295**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 295** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1258 ON SECOND READING**

On motion of Senator Duncan and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1258** at this time on its second reading:

CSSB 1258, Relating to the disposal of demolition waste from abandoned or nuisance buildings in certain areas.

The bill was read second time.

Senator Duncan offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1258** (senate committee printing) in SECTION 1 of the bill, in added Section 361.126(c), Health and Safety Code (page 1, line 35), by striking "may" and substituting "shall".

The amendment to **CSSB 1258** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Duncan and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1258 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1258 ON THIRD READING**

Senator Duncan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1258** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1258**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1258** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 44 ON SECOND READING

Senator Zaffirini moved to suspend the regular order of business to take up for consideration **SB 44** at this time on its second reading:

SB 44, Relating to the detention and transportation of a person with a mental illness.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Ogden.

The bill was read second time and was passed to engrossment by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

SENATE BILL 44 ON THIRD READING

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 44** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Ogden, Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 44**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 44** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1.

Nays: Ogden.

COMMITTEE SUBSTITUTE SENATE BILL 167 ON SECOND READING

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 167** at this time on its second reading:

CSSB 167, Relating to the automatic expunction of arrest records and files after an individual receives a pardon or a grant of certain other relief with respect to the offense for which the individual was arrested.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 167 ON THIRD READING**

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 167** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 167**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 167** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 267 ON SECOND READING**

On motion of Senator Williams and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 267** at this time on its second reading:

CSSB 267, Relating to a joint statement regarding the transfer of a motor vehicle as the result of a gift.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 267 ON THIRD READING**

Senator Williams moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 267** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 267**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 267** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1225 ON SECOND READING**

On motion of Senator Hegar and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1225** at this time on its second reading:

CSSB 1225, Relating to the disannexation of land in Caldwell County by the Gonzales County Underground Water Conservation District or the Plum Creek Conservation District.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1225 ON THIRD READING**

Senator Hegar moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1225** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1225**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1225** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1356 ON SECOND READING

On motion of Senator Estes and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1356** at this time on its second reading:

SB 1356, Relating to the repeal of certain laws regulating the registration of animal tattoo marks with the Department of Public Safety of the State of Texas.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 1356 ON THIRD READING

Senator Estes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1356** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 1356**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 1356** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE SENATE BILL 1357 ON SECOND READING

On motion of Senator Estes and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1357** at this time on its second reading:

CSSB 1357, Relating to the redemption and impoundment of estrays.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 1357 ON THIRD READING

Senator Estes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1357** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1357**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1357** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE SENATE BILL 1661 ON SECOND READING

On motion of Senator Duncan and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1661** at this time on its second reading:

CSSB 1661, Relating to the regulation of health organizations certified by the Texas Medical Board; imposing an administrative penalty.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 1661 ON THIRD READING

Senator Duncan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1661** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1661**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying

the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1661** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE SENATE BILL 1005 ON SECOND READING

On motion of Senator Van de Putte and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1005** at this time on its second reading:

CSSB 1005, Relating to fair treatment of all providers of instructional materials to students enrolled at public institutions of higher education.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 1005 ON THIRD READING

Senator Van de Putte moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1005** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1005**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1005** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed.

Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 616 ON SECOND READING

Senator Rodriguez moved to suspend the regular order of business to take up for consideration **SB 616** at this time on its second reading:

SB 616, Relating to the sale or transportation of certain desert plants; providing a penalty.

The motion prevailed.

Senator Nelson asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to engrossment by the following vote: Yeas 30, Nays 1.

Nays: Nelson.

SENATE BILL 616 ON THIRD READING

Senator Rodriguez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 616** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nichols, Ogdan, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Nelson, Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 616**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 616** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed.

Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1.

Nays: Nelson.

**COMMITTEE SUBSTITUTE
SENATE BILL 661 ON SECOND READING**

On motion of Senator Nichols and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 661** at this time on its second reading:

CSSB 661, Relating to the continuation and functions, as applicable, of the Electric Reliability Council of Texas, the Office of Public Utility Counsel, and the Public Utility Commission of Texas and to the transfer of certain functions from the Texas Commission on Environmental Quality to the Public Utility Commission of Texas; imposing administrative penalties.

The bill was read second time.

Senator Hegar offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 661** (senate committee printing) as follows:

(1) In SECTION 1.06 of the bill, in the recital (page 3, line 29), strike "and (g)" and substitute "(g), and (g-1)".

(2) In SECTION 1.06 of the bill, in the recital (page 3, line 30), strike "and (n)" and substitute "(n), (o), (p), and (q)".

(3) In SECTION 1.06 of the bill, in amended Section 39.151(g), Utilities Code (page 4, line 53), between "candidates" and the period, insert "and commission consultation regarding the selection of the chief executive officer or an unaffiliated board member, subject to Subsection (p)".

(4) In SECTION 1.06 of the bill, in amended Section 39.151, Utilities Code (page 5, between lines 14 and 15), insert the following:

(g-1) The presiding officer of the governing body must be one of the members described by Subsection (g)(7) or (8).

(5) In SECTION 1.06 of the bill, in amended Section 39.151, Utilities Code (page 5, between lines 42 and 43), insert the following:

(o) For any reason, the commission may remove a board member selected by the commission under Subsection (g)(1) and the counsellor may remove a board member selected by the counsellor under Subsection (g)(2). The organization's governing body may not remove a member selected by the commission or the counsellor.

(p) Only the governing body of an independent organization may select or remove the organization's chief executive officer or an unaffiliated board member not selected by the commission or the counsellor. The selection or removal of the chief executive officer is not subject to review or approval by the commission. The

commission may not initiate the removal or reappointment of an unaffiliated board member not selected by the commission. The commission may, however, recommend that an unaffiliated board member not be reappointed or be removed for cause by the governing board under Subsection (q).

(q) The governing board may remove a board member not appointed by the commission or the counsellor for cause, including failure to properly perform the member's duties to the independent organization, a violation of a policy or procedure adopted by the governing body, a violation of a law of this state or the United States, or a violation of a commission rule adopted under this section. Notwithstanding any other provision of this section, the commission does not have jurisdiction over and may not review a matter relating to the selection, qualifications, or removal of a member not appointed by the commission or the counsellor.

HEGAR
BIRDWELL

The amendment to **CSSB 661** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

Senator Hegar offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 661** as follows:

(1) On page 5, line 48, strike SECTION 1.08 of the bill and renumber the subsequent sections appropriately.

(2) Page 6, line 46, strike section 1.10 of the bill and renumber the subsequent sections appropriately.

(3) On page 6, line 53, strike SECTION 1.11 of the bill and renumber the subsequent sections appropriately.

(4) On page 6, line 66, strike SECTION 1.12 of the bill and renumber the subsequent sections appropriately.

The amendment to **CSSB 661** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 2.

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 661** (introduced version) in ARTICLE 1 of the bill by inserting the following appropriately numbered SECTION and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION 1. Subchapter D, Chapter 38, Utilities Code, is amended by adding Section 38.072 to read as follows:

Sec. 38.072. PRIORITIES FOR POWER RESTORATION TO CERTAIN MEDICAL FACILITIES. (a) In this section:

(1) "Assisted living facility" has the meaning assigned by Section 247.002, Health and Safety Code.

(2) "Extended power outage" has the meaning assigned by Section 13.1395, Water Code.

(3) "Hospice services" has the meaning assigned by Section 142.001, Health and Safety Code.

(4) "Nursing facility" has the meaning assigned by Section 242.301, Health and Safety Code.

(b) The commission by rule shall require an electric utility to give to the following the same priority that it gives to a hospital in the utility's emergency operations plan for restoring power after an extended power outage:

(1) a nursing facility;

(2) an assisted living facility; and

(3) a facility that provides hospice services.

(c) The rules adopted by the commission under Subsection (b) must allow an electric utility to exercise the electric utility's discretion to prioritize power restoration for a facility after an extended power outage in accordance with the facility's needs and with the characteristics of the geographic area in which power must be restored.

(d) A municipally owned utility shall report the emergency operations plan for restoring power to a facility listed in Subsection (b) to the municipality's governing body or the body vested with the power to manage and operate the municipally owned utility.

(e) An electric cooperative shall report the emergency operations plan for restoring power to a facility listed in Subsection (b) to the board of directors of the electric cooperative.

SECTION 2. This Act takes effect September 1, 2011.

The amendment to **CSSB 661** was read.

On motion of Senator Nichols, Floor Amendment No. 3 was tabled by the following vote: Yeas 19, Nays 12.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Nelson, Nichols, Patrick, Seliger, Shapiro, Uresti, Wentworth, Whitmire, Williams.

Nays: Davis, Ellis, Gallegos, Hinojosa, Jackson, Lucio, Ogden, Rodriguez, Van de Putte, Watson, West, Zaffirini.

Senator Davis offered the following amendment to the bill:

Floor Amendment No. 4

Amend **CSSB 661** (senate committee report) as follows:

(1) In ARTICLE 1 of the bill, insert the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the ARTICLE accordingly:

SECTION ____. (a) Section 39.101, Utilities Code, is amended by adding Subsection (e-1) to read as follows:

(e-1) Notwithstanding Subsection (e), to provide a customer with electric service in an area that has implemented customer choice, on request of a retail electric provider, a transmission and distribution utility shall remove a hold or any other restriction that:

- (1) is based on an amount due to another retail electric provider;
- (2) is preventing the customer from receiving electric service; and
- (3) is not related to meter tampering.

(b) This section takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this section takes effect September 1, 2011.

(2) In ARTICLE 4 of the bill, in SECTION 4.01 (page 42, line 62), strike "This" and substitute "Except as otherwise provided by this Act, this".

The amendment to **CSSB 661** was read.

On motion of Senator Nichols, Floor Amendment No. 4 was tabled by the following vote: Yeas 20, Nays 11.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Wentworth, Whitmire, Williams.

Nays: Davis, Ellis, Gallegos, Hinojosa, Lucio, Rodriguez, Uresti, Van de Putte, Watson, West, Zaffirini.

Senator Davis offered the following amendment to the bill:

Floor Amendment No. 5

Amend **CSSB 661** (senate committee report) in ARTICLE 1 by inserting the following appropriately numbered SECTION and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) Subchapter C, Chapter 39, Utilities Code, is amended by adding Section 39.113 to read as follows:

Sec. 39.113. STANDARD PRODUCT. (a) A retail electric provider shall offer a standard product to each residential customer as provided by this section.

(b) The commission by rule shall establish the terms of the standard product required by this section. The rules must:

- (1) require the product to offer service for 12 months at a fixed rate;
- (2) set any necessary terms or conditions for the product; and
- (3) allow a retail electric provider to set its own price for the product.

(c) A retail electric provider may offer alternative residential service products to its customers in addition to the standard product required by this section.

(d) This section does not affect a retail electric provider's obligation to serve as a provider of last resort under Section 39.106.

(e) A retail electric provider commits a significant violation of this title for the purposes of Section 39.356 if the retail electric provider does not offer to a residential customer the standard product required by this section.

(b) The Public Utility Commission of Texas shall adopt rules to implement Section 39.113, Utilities Code, as added by this section, as soon as practicable after the effective date of this Act.

The amendment to **CSSB 661** was read.

On motion of Senator Nichols, Floor Amendment No. 5 was tabled by the following vote: Yeas 20, Nays 11.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Wentworth, Whitmire, Williams.

Nays: Davis, Ellis, Gallegos, Hinojosa, Lucio, Rodriguez, Uresti, Van de Putte, Watson, West, Zaffirini.

Senator Davis offered the following amendment to the bill:

Floor Amendment No. 6

Amend **CSSB 661** (senate committee report) in ARTICLE 1 by inserting the following appropriately numbered SECTION and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 39.101, Utilities Code, is amended by adding Subsection (i) to read as follows:

(i) The commission shall create a standard written retail service package and related forms that a retail electric provider may use to offer service or provide a description of that service offer. The standard package and related forms must:

- (1) include a standard font size, typeface, and page limit;
- (2) offer service for at least 12 months;
- (3) charge a fixed price per kilowatt hour throughout the term of the offered service period; and
- (4) not include a fee that the commission does not require a retail electric provider to charge.

The amendment to **CSSB 661** was read.

On motion of Senator Nichols, Floor Amendment No. 6 was tabled by the following vote: Yeas 20, Nays 11.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Wentworth, Whitmire, Williams.

Nays: Davis, Ellis, Gallegos, Hinojosa, Lucio, Rodriguez, Uresti, Van de Putte, Watson, West, Zaffirini.

Senator Davis offered the following amendment to the bill:

Floor Amendment No. 7

Amend **CSSB 661** (committee printing) in ARTICLE 1 of the bill by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS of the bill accordingly:

SECTION 1. ___. Section 36.351, Utilities Code, is reenacted and amended to read as follows:

Sec. 36.351. DISCOUNTED RATES FOR CERTAIN SCHOOLS AND INSTITUTIONS OF HIGHER EDUCATION. (a) Notwithstanding any other provision of this title, each electric utility and transmission and distribution utility and, except as provided by Subsection (d-1), each municipally owned utility shall discount

charges for electric service provided to a facility of a four-year state university, upper-level institution, Texas State Technical College, junior [or] college, independent school district, or open-enrollment charter school.

(b) The discount is a 20-percent reduction of the utility's base rates that would otherwise be paid under the applicable tariffed rate. The discount shall be provided either directly to an educational entity described by Subsection (a) or to a retail electric provider that also provides service to the educational entity.

(b-1) A retail electric provider that receives a discount under Subsection (b) shall apply the discount to an educational entity described by Subsection (a) as a credit in an amount equal to the amount of the discount. The commission may suspend, revoke, or amend the certificate of a retail electric provider that does not apply the discount as required by this subsection. The commission shall impose an administrative penalty on a retail electric provider that does not apply the discount as required by this subsection.

(c) An electric or municipally owned utility is exempt from this section if the 20-percent discount results in a reduction equal to more than one percent of the utility's total annual revenues.

(d) A municipally owned utility is exempt from this section if the municipally owned utility, on September 1, 1995, discounted base commercial rates for electric service provided to all four-year state universities or colleges in its service area by 20 percent or more.

(d-1) A municipally owned utility is exempt from the requirement to discount charges for electric service provided to a junior college, independent school district, or open-enrollment charter school.

(e) This section does not apply to a rate charged to an institution of higher education by a municipally owned utility that provides a discounted rate to the state for electric services below rates in effect on January 1, 1995, if the discounted rate provides a greater financial discount to the state than is provided to the institution of higher education through the discount provided by this section.

(f) An investor-owned electric utility may not recover from residential customers or any other customer class the assigned and allocated costs of serving an educational entity [a state university or college] that receives a discount under this section. After September 1, 2011, an investor-owned electric utility is subject to the requirements of this subsection unless a regulatory authority authorizes other ratemaking treatment.

(g) Each electric utility shall file tariffs with the commission reflecting the discount required under this section. The initial tariff filing is not a rate change for purposes of Subchapter C.

(h) This section has been in full force and effect since September 1, 1995, as to the discount required for electric service provided by an electric utility, including a transmission and distribution utility, or a municipally owned utility to a facility of a four-year state university, upper-level institution, Texas State Technical College, or college. Neither Section 63, Chapter 405 (S.B. 7), Acts of the 76th Legislature, Regular Session, 1999, nor the decision of the commission in the commission's Docket No. 35717 or any other ruling or order by the commission terminated or

excused the continuing obligation of a transmission and distribution utility, any other electric utility, or a municipally owned utility to provide the discounts required by this section.

The amendment to **CSSB 661** was read.

On motion of Senator Nichols, Floor Amendment No. 7 was tabled by the following vote: Yeas 20, Nays 11.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Wentworth, Whitmire, Williams.

Nays: Davis, Ellis, Gallegos, Hinojosa, Lucio, Rodriguez, Uresti, Van de Putte, Watson, West, Zaffirini.

On motion of Senator Nichols and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 661 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 661 ON THIRD READING

Senator Nichols moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 661** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 661**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 661** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 18 WITH HOUSE AMENDMENTS

Senator Estes called **SB 18** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer, Senator Eltife in Chair, laid the bill and the House amendments before the Senate.

Amendment

Amend **SB 18** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to the use of eminent domain authority.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 2206, Government Code, is amended to read as follows:

CHAPTER 2206. ~~LIMITATIONS ON USE OF~~ EMINENT DOMAIN SUBCHAPTER A. LIMITATIONS ON PURPOSE AND USE OF PROPERTY ACQUIRED THROUGH EMINENT DOMAIN

Sec. 2206.001. LIMITATION ON EMINENT DOMAIN FOR PRIVATE PARTIES OR ECONOMIC DEVELOPMENT PURPOSES. (a) This section applies to the use of eminent domain under the laws of this state, including a local or special law, by any governmental or private entity, including:

(1) a state agency, including an institution of higher education as defined by Section 61.003, Education Code;

(2) a political subdivision of this state; or

(3) a corporation created by a governmental entity to act on behalf of the entity.

(b) A governmental or private entity may not take private property through the use of eminent domain if the taking:

(1) confers a private benefit on a particular private party through the use of the property;

(2) is for a public use that is merely a pretext to confer a private benefit on a particular private party; ~~or~~

(3) is for economic development purposes, unless the economic development is a secondary purpose resulting from municipal community development or municipal urban renewal activities to eliminate an existing affirmative harm on society from slum or blighted areas under:

(A) Chapter 373 or 374, Local Government Code, other than an activity described by Section 373.002(b)(5), Local Government Code; or

(B) Section 311.005(a)(1)(I), Tax Code; or

(4) is not for a public use.

(c) This section does not affect the authority of an entity authorized by law to take private property through the use of eminent domain for:

(1) transportation projects, including, but not limited to, railroads, airports, or public roads or highways;

(2) entities authorized under Section 59, Article XVI, Texas Constitution, including:

- (A) port authorities;
- (B) navigation districts; and
- (C) any other conservation or reclamation districts that act as ports;
- (3) water supply, wastewater, flood control, and drainage projects;
- (4) public buildings, hospitals, and parks;
- (5) the provision of utility services;
- (6) a sports and community venue project approved by voters at an election held on or before December 1, 2005, under Chapter 334 or 335, Local Government Code;

(7) the operations of:

(A) a common carrier pipeline [~~subject to Chapter 111, Natural Resources Code, and Section B(3)(b), Article 2.01, Texas Business Corporation Act~~]; or

(B) an energy transporter, as that term is defined by Section 186.051, Utilities Code;

(8) a purpose authorized by Chapter 181, Utilities Code;

(9) underground storage operations subject to Chapter 91, Natural Resources Code;

(10) a waste disposal project; or

(11) a library, museum, or related facility and any infrastructure related to the facility.

(d) This section does not affect the authority of a governmental entity to condemn a leasehold estate on property owned by the governmental entity.

(e) The determination by the governmental or private entity proposing to take the property that the taking does not involve an act or circumstance prohibited by Subsection (b) does not create a presumption with respect to whether the taking involves that act or circumstance.

Sec. 2206.002. LIMITATIONS ON EASEMENTS. (a) This section applies only to an easement acquired by an entity for the purpose of a pipeline to be used for oil or gas exploration or production activities.

(b) A property owner whose property is acquired through the use of eminent domain under Chapter 21, Property Code, for the purpose of creating an easement through that owner's property may construct streets or roads, including gravel, asphalt, or concrete streets or roads, at any locations above the easement that the property owner chooses.

(c) The portion of a street or road constructed under this section that is within the area covered by the easement:

(1) must cross the easement at or near 90 degrees; and

(2) may not:

(A) exceed 40 feet in width;

(B) cause a violation of any applicable pipeline regulation; or

(C) interfere with the operation and maintenance of any pipeline.

(d) At least 30 days before the date on which construction of an asphalt or concrete street or road that will be located wholly or partly in an area covered by an easement used for a pipeline is scheduled to begin, the property owner must submit plans for the proposed construction to the owner of the easement.

SUBCHAPTER B. PROCEDURES REQUIRED TO INITIATE
EMINENT DOMAIN PROCEEDINGS

Sec. 2206.051. SHORT TITLE. This subchapter may be cited as the Truth in Condemnation Procedures Act.

Sec. 2206.052. APPLICABILITY. The procedures in this subchapter apply only to the use of eminent domain under the laws of this state by a governmental entity.

Sec. 2206.053. VOTE ON USE OF EMINENT DOMAIN. (a) Before a governmental entity initiates a condemnation proceeding by filing a petition under Section 21.012, Property Code, the governmental entity must:

(1) authorize the initiation of the condemnation proceeding at a public meeting by a record vote; and

(2) include in the notice for the public meeting as required by Subchapter C, Chapter 551, in addition to other information as required by that subchapter:

(A) the consideration of the use of eminent domain to condemn property as an agenda item; and

(B) a map of the general area or general route that may be affected by the condemnation proceeding.

(b) A single ordinance, resolution, or order may be adopted for all units of property to be condemned if:

(1) the motion required by Subsection (e) indicates that the first record vote applies to all units of property to be condemned; and

(2) the minutes of the governmental entity reflect that the first vote applies to all of those units.

(c) If more than one member of the governing body objects to adopting a single ordinance, resolution, or order by a record vote for all units of property for which condemnation proceedings are to be initiated, a separate record vote must be taken for each unit of property.

(d) For the purposes of Subsections (a) and (c), if two or more units of real property are owned by the same person, the governmental entity may treat those units of property as one unit of property.

(e) The motion to adopt an ordinance, resolution, or order authorizing the initiation of condemnation proceedings under Chapter 21, Property Code, must be made in a form substantially similar to the following: "I move that the (name of governmental entity) authorize the use of the power of eminent domain to acquire (describe the property) for (describe the public use)." The description of the property required by this subsection is sufficient if the description of the location of and interest in the property that the governmental entity seeks to acquire is substantially similar to the description that is or could properly be used in a petition to condemn the property under Section 21.012, Property Code.

(f) If a project for a public use described by Section 2206.001(c)(3) will require a governmental entity to acquire multiple tracts or units of property to construct facilities connecting one location to another location, the governing body of the

governmental entity may adopt a single ordinance, resolution, or order by a record vote that delegates the authority to initiate condemnation proceedings to the chief administrative official of the governmental entity.

(g) An ordinance, resolution, or order adopted under Subsection (f) is not required to identify specific properties that the governmental entity will acquire. The ordinance, resolution, or order must identify the general area to be covered by the project or the general route that will be used by the governmental entity for the project in a way that provides property owners in and around the area or along the route reasonable notice that the owners' properties may be subject to condemnation proceedings during the planning or construction of the project.

SUBCHAPTER C. SUSPENSION OF CERTAIN EMINENT DOMAIN AUTHORITY

Sec. 2206.101. REPORT OF EMINENT DOMAIN AUTHORITY; SUSPENSION OF AUTHORITY. (a) This section does not apply to an entity that was created or that acquired the power of eminent domain on or after December 31, 2012.

(b) Not later than December 31, 2012, an entity, including a private entity, authorized by the state by a general or special law to exercise the power of eminent domain shall submit to the comptroller a letter stating that the entity is authorized by the state to exercise the power of eminent domain and identifying each provision of law that grants the entity that authority. The entity must send the letter by certified mail, return receipt requested.

(c) The authority of an entity to exercise the power of eminent domain is suspended beginning September 1, 2013, if the entity does not submit a letter required by Subsection (b) on or before that date, and remains suspended until the entity submits the letter.

(d) Not later than March 1, 2013, the comptroller shall submit to the governor, the lieutenant governor, the speaker of the house of representatives, the presiding officers of the appropriate standing committees of the senate and the house of representatives, and the Texas Legislative Council a report that contains:

(1) the name of each entity that submitted a letter in accordance with this section; and

(2) a corresponding list of the provisions granting eminent domain authority as identified by each entity that submitted a letter.

SECTION 2. Section 21.0111, Property Code, is amended to read as follows:

Sec. 21.0111. DISCLOSURE OF CERTAIN INFORMATION REQUIRED; INITIAL OFFER. (a) An ~~[A governmental]~~ entity with eminent domain authority that wants to acquire real property for a public use shall, by certified mail, return receipt requested, disclose to the property owner at the time an offer to purchase or lease the property is made any and all ~~[existing]~~ appraisal reports produced or acquired by the ~~[governmental]~~ entity relating specifically to the owner's property and prepared in the 10 years preceding the date of the ~~[used in determining the final valuation]~~ offer.

(b) A property owner shall disclose to the ~~[acquiring governmental]~~ entity seeking to acquire the property any and all current and existing appraisal reports produced or acquired by the property owner relating specifically to the owner's property and used in determining the owner's opinion of value. Such disclosure shall take place not later than the earlier of:

(1) the 10th day after the date ~~[within 10 days]~~ of receipt of an appraisal report; or

(2) the third business day before the date of a special commissioner's hearing if an appraisal report is to be used at the ~~[reports but no later than 10 days prior to the special commissioner's]~~ hearing.

(c) An entity seeking to acquire property that the entity is authorized to obtain through the use of eminent domain may not include a confidentiality provision in an offer or agreement to acquire the property. The entity shall inform the owner of the property that the owner has the right to:

(1) discuss any offer or agreement regarding the entity's acquisition of the property with others; or

(2) keep the offer or agreement confidential, unless the offer or agreement is subject to Chapter 552, Government Code.

(d) A subsequent bona fide purchaser for value from the acquiring ~~[governmental]~~ entity may conclusively presume that the requirement of this section has been met. This section does not apply to acquisitions of real property for which an ~~[a governmental]~~ entity does not have eminent domain authority.

SECTION 3. Subchapter B, Chapter 21, Property Code, is amended by adding Sections 21.0113 and 21.0114 to read as follows:

Sec. 21.0113. BONA FIDE OFFER REQUIRED. (a) An entity with eminent domain authority that wants to acquire real property for a public use must make a bona fide offer to acquire the property from the property owner voluntarily.

(b) An entity with eminent domain authority has made a bona fide offer if:

(1) an initial offer is made in writing to a property owner;

(2) a final offer is made in writing to the property owner;

(3) the final offer is made on or after the 30th day after the date on which the entity makes a written initial offer to the property owner;

(4) before making a final offer, the entity obtains a written appraisal from a certified appraiser of the value of the property being acquired and the damages, if any, to any of the property owner's remaining property;

(5) the final offer is equal to or greater than the amount of the written appraisal obtained by the entity;

(6) the following items are included with the final offer or have been previously provided to the owner by the entity:

(A) a copy of the written appraisal;

(B) a copy of the deed, easement, or other instrument conveying the property sought to be acquired; and

(C) the landowner's bill of rights statement prescribed by Section 21.0112; and

(7) the entity provides the property owner with at least 14 days to respond to the final offer and the property owner does not agree to the terms of the final offer within that period.

Sec. 21.0114. NOTICE TO COUNTY OF CONDEMNATION FOR PIPELINE. Before a private entity with eminent domain authority begins negotiating with a property owner to acquire real property for the purpose of a pipeline, the entity must provide the commissioners court of a county in which the property to be acquired is located notice of the proposed route for the pipeline in that county.

SECTION 4. Section 21.012, Property Code, is amended to read as follows:

Sec. 21.012. CONDEMNATION PETITION. (a) If an entity [~~the United States, this state, a political subdivision of this state, a corporation~~] with eminent domain authority [~~or an irrigation, water improvement, or water power control district created by law~~] wants to acquire real property for public use but is unable to agree with the owner of the property on the amount of damages, the [~~condemning~~] entity may begin a condemnation proceeding by filing a petition in the proper court.

(b) The petition must:

- (1) describe the property to be condemned;
- (2) state with specificity the public use [~~purpose~~] for which the entity intends to acquire [~~use~~] the property;
- (3) state the name of the owner of the property if the owner is known;
- (4) state that the entity and the property owner are unable to agree on the damages; [~~and~~]
- (5) if applicable, state that the entity provided the property owner with the landowner's bill of rights statement in accordance with Section 21.0112; and
- (6) state that the entity made a bona fide offer to acquire the property from the property owner voluntarily as provided by Section 21.0113.

(c) An entity that files a petition under this section must provide a copy of the petition to the property owner by certified mail, return receipt requested.

SECTION 5. Subsection (a), Section 21.014, Property Code, is amended to read as follows:

(a) The judge of a court in which a condemnation petition is filed or to which an eminent domain case is assigned shall appoint three disinterested real property owners [~~freeholders~~] who reside in the county as special commissioners to assess the damages of the owner of the property being condemned. The judge appointing the special commissioners shall give preference to persons agreed on by the parties. The judge shall provide each party a reasonable period to strike one of the three commissioners appointed by the judge. If a person fails to serve as a commissioner or is struck by a party to the suit, the judge shall [~~may~~] appoint a replacement.

SECTION 6. Subsection (a), Section 21.015, Property Code, is amended to read as follows:

(a) The special commissioners in an eminent domain proceeding shall promptly schedule a hearing for the parties at the earliest practical time but may not schedule a hearing to assess damages before the 20th day after the date the special commissioners were appointed. The special commissioners shall schedule a hearing for the parties [~~and~~] at a place that is as near as practical to the property being condemned or at the county seat of the county in which the proceeding is being held.

SECTION 7. Subsection (b), Section 21.016, Property Code, is amended to read as follows:

(b) Notice of the hearing must be served on a party not later than the 20th ~~[11th]~~ day before the day set for the hearing. A person competent to testify may serve the notice.

SECTION 8. Section 21.023, Property Code, is amended to read as follows:

Sec. 21.023. DISCLOSURE OF INFORMATION REQUIRED AT TIME OF ACQUISITION. An [A-governmental] entity with eminent domain authority shall disclose in writing to the property owner, at the time of acquisition of the property through eminent domain, that:

(1) the owner or the owner's heirs, successors, or assigns may be [are] entitled to:

(A) repurchase the property under Subchapter E [if the public use for which the property was acquired through eminent domain is canceled before the 10th anniversary of the date of acquisition]; or

(B) request from the entity certain information relating to the use of the property and any actual progress made toward that use; and

(2) the repurchase price is the price paid to the owner by the entity at the time the entity acquired the property through eminent domain [fair market value of the property at the time the public use was canceled].

SECTION 9. Subchapter B, Chapter 21, Property Code, is amended by adding Section 21.025 to read as follows:

Sec. 21.025. PRODUCTION OF INFORMATION BY CERTAIN ENTITIES.

(a) Notwithstanding any other law, an entity that is not subject to Chapter 552, Government Code, and is authorized by law to acquire private property through the use of eminent domain is required to produce information as provided by this section if the information is:

(1) requested by a person who owns property that is the subject of a proposed or existing eminent domain proceeding; and

(2) related to the taking of the person's private property by the entity through the use of eminent domain.

(b) An entity described by Subsection (a) is required under this section only to produce information relating to the condemnation of the specific property owned by the requestor as described in the request. A request under this section must contain sufficient details to allow the entity to identify the specific tract of land in relation to which the information is sought.

(c) The entity shall respond to a request in accordance with the Texas Rules of Civil Procedure as if the request was made in a matter pending before a state district court.

(d) Exceptions to disclosure provided by this chapter and the Texas Rules of Civil Procedure apply to the disclosure of information under this section.

(e) Jurisdiction to enforce the provisions of this section resides in:

(1) the court in which the condemnation was initiated; or

(2) if the condemnation proceeding has not been initiated:

(A) a court that would have jurisdiction over a proceeding to condemn the requestor's property; or

(B) a court with eminent domain jurisdiction in the county in which the entity has its principal place of business.

(f) If the entity refuses to produce information requested in accordance with this section and the court determines that the refusal violates this section, the court may award the requestor's reasonable attorney's fees incurred to compel the production of the information.

SECTION 10. Subsection (d), Section 21.042, Property Code, is amended to read as follows:

(d) In estimating injury or benefit under Subsection (c), the special commissioners shall consider an injury or benefit that is peculiar to the property owner and that relates to the property owner's ownership, use, or enjoyment of the particular parcel of real property, including a material impairment of direct access on or off the remaining property that affects the market value of the remaining property, but they may not consider an injury or benefit that the property owner experiences in common with the general community, including circuitry of travel and diversion of traffic. In this subsection, "direct access" means ingress and egress on or off a public road, street, or highway at a location where the remaining property adjoins that road, street, or highway.

SECTION 11. Subsections (a) and (b), Section 21.046, Property Code, are amended to read as follows:

(a) A department, agency, instrumentality, or political subdivision of this state shall ~~may~~ provide a relocation advisory service for an individual, a family, a business concern, a farming or ranching operation, or a nonprofit organization that ~~[if the service]~~ is compatible with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 ~~[Advisory Program]~~, 42 U.S.C.A. 4601 ~~[23 U.S.C.A. 504]~~, et seq.

(b) This state or a political subdivision of this state shall ~~may~~, as a cost of acquiring real property, pay moving expenses and rental supplements, make relocation payments, provide financial assistance to acquire replacement housing, and compensate for expenses incidental to the transfer of the property if an individual, a family, the personal property of a business, a farming or ranching operation, or a nonprofit organization is displaced in connection with the acquisition.

SECTION 12. The heading to Section 21.047, Property Code, is amended to read as follows:

Sec. 21.047. ASSESSMENT OF COSTS AND FEES.

SECTION 13. Section 21.047, Property Code, is amended by adding Subsection (d) to read as follows:

(d) If a court hearing a suit under this chapter determines that a condemnor did not make a bona fide offer to acquire the property from the property owner voluntarily as required by Section 21.0113, the court shall abate the suit, order the condemnor to make a bona fide offer, and order the condemnor to pay:

(1) all costs as provided by Subsection (a); and

(2) any reasonable attorney's fees and other professional fees incurred by the property owner that are directly related to the violation.

SECTION 14. Subchapter C, Chapter 21, Property Code, is amended by adding Section 21.0471 to read as follows:

Sec. 21.0471. ATTORNEY'S FEES AND OTHER PROFESSIONAL FEES. If the special commissioners or a court awards damages in a condemnation proceeding in an amount that is greater than 110 percent of the amount of damages the condemnor offered to pay before the proceedings began, the commissioners or the court shall award reasonable attorney's fees and other professional fees to the property owner in addition to costs awarded under Section 21.047.

SECTION 15. Subchapter E, Chapter 21, Property Code, is amended to read as follows:

**SUBCHAPTER E. REPURCHASE OF REAL PROPERTY FROM
CONDEMNING ~~[GOVERNMENTAL]~~ ENTITY**

Sec. 21.101. RIGHT OF REPURCHASE ~~[APPLICABILITY]~~. (a) A person from whom ~~[Except as provided in Subsection (b), this subchapter applies only to]~~ a real property interest is acquired by an ~~[a governmental]~~ entity through eminent domain for a public use, or that person's heirs, successors, or assigns, is entitled to repurchase the property as provided by this subchapter if:

(1) the public use for which the property was acquired through eminent domain is ~~[that was]~~ canceled before the property is used for that public use;

(2) no actual progress is made toward the public use for which the property was acquired between the date of acquisition and the 10th anniversary of that date; or

(3) the property becomes unnecessary for the public use for which the property was acquired, or a substantially similar public use, before the 10th anniversary of the date of acquisition.

(b) In this section, "actual progress" means the completion of two or more of the following actions:

(1) the performance of a significant amount of labor to develop the property or other property acquired for the same public use project for which the property owner's property was acquired;

(2) the provision of a significant amount of materials to develop the property or other property acquired for the same public use project for which the property owner's property was acquired;

(3) the hiring of and performance of a significant amount of work by an architect, engineer, or surveyor to prepare a plan or plat that includes the property or other property acquired for the same public use project for which the property owner's property was acquired;

(4) application for state or federal funds to develop the property or other property acquired for the same public use project for which the property owner's property was acquired;

(5) application for a state or federal permit to develop the property or other property acquired for the same public use project for which the property owner's property was acquired;

(6) the acquisition of a tract or parcel of real property adjacent to the property for the same public use project for which the owner's property was acquired;
or

(7) for a governmental entity, the adoption by a majority of the entity's governing body at a public hearing of a development plan for a public use project that indicates that the entity will not complete more than one action described by Subdivisions (1)-(6) before the 10th anniversary of the date of acquisition of the property ~~[This subchapter does not apply to a right of way under the jurisdiction of:~~

(1) a county;

(2) a municipality; or

(3) the Texas Department of Transportation].

(c) A district court may determine all issues in any suit regarding the repurchase of a real property interest acquired through eminent domain by the former property owner or the owner's heirs, successors, or assigns.

Sec. 21.102. NOTICE TO PREVIOUS PROPERTY OWNER REQUIRED ~~[AT TIME OF CANCELLATION OF PUBLIC USE]~~. Not later than the 180th day after the date an entity that acquired a real property interest through eminent domain determines that the former property owner is entitled to repurchase the property under Section 21.101 ~~[of the cancellation of the public use for which real property was acquired through eminent domain from a property owner under Subchapter B]~~, the ~~[governmental]~~ entity shall send by certified mail, return receipt requested, to the property owner or the owner's heirs, successors, or assigns a notice containing:

(1) an identification, which is not required to be a legal description, of the property that was acquired;

(2) an identification of the public use for which the property had been acquired and a statement that:

(A) the public use was ~~[has been]~~ canceled before the property was used for the public use;

(B) no actual progress was made toward the public use; or

(C) the property became unnecessary for the public use, or a substantially similar public use, before the 10th anniversary of the date of acquisition; and

(3) a description of the person's right under this subchapter to repurchase the property.

Sec. 21.1021. REQUESTS FOR INFORMATION REGARDING CONDEMNED PROPERTY. (a) On or after the 10th anniversary of the date on which real property was acquired by an entity through eminent domain, a property owner or the owner's heirs, successors, or assigns may request that the condemning entity make a determination and provide a statement and other relevant information regarding:

(1) whether the public use for which the property was acquired was canceled before the property was used for the public use;

(2) whether any actual progress was made toward the public use between the date of acquisition and the 10th anniversary of that date, including an itemized description of the progress made, if applicable; and

(3) whether the property became unnecessary for the public use, or a substantially similar public use, before the 10th anniversary of the date of acquisition.

(b) A request under this section must contain sufficient detail to allow the entity to identify the specific tract of land in relation to which the information is sought.

(c) Not later than the 90th day following the date of receipt of the request for information, the entity shall send a written response by certified mail, return receipt requested, to the requestor.

Sec. 21.1022. LIMITATIONS PERIOD FOR REPURCHASE RIGHT. Notwithstanding Section 21.103, the right to repurchase provided by this subchapter is extinguished on the first anniversary of the expiration of the period for an entity to provide notice under Section 21.102 if the entity:

- (1) is required to provide notice under Section 21.102;
- (2) makes a good faith effort to locate and provide notice to each person entitled to notice before the expiration of the deadline for providing notice under that section; and
- (3) does not receive a response to any notice provided under that section in the period for response prescribed by Section 21.103.

Sec. 21.103. RESALE OF PROPERTY; PRICE. (a) Not later than the 180th day after the date of the postmark on a ~~the~~ notice sent under Section 21.102 or a response to a request made under Section 21.1021 that indicates that the property owner, or the owner's heirs, successors, or assigns, is entitled to repurchase the property interest in accordance with Section 21.101, the property owner or the owner's heirs, successors, or assigns must notify the ~~governmental~~ entity of the person's intent to repurchase the property interest under this subchapter.

(b) As soon as practicable after receipt of a notice of intent to repurchase ~~the notification~~ under Subsection (a), the ~~governmental~~ entity shall offer to sell the property interest to the person for the price paid to the owner by the entity at the time the entity acquired the property through eminent domain ~~fair market value of the property at the time the public use was canceled~~. The person's right to repurchase the property expires on the 90th day after the date on which the ~~governmental~~ entity makes the offer.

SECTION 16. Section 202.021, Transportation Code, is amended by adding Subsection (j) to read as follows:

(j) The standard for determination of the fair value of the state's interest in access rights to a highway right-of-way is the same legal standard that is applied by the commission in the:

- (1) acquisition of access rights under Subchapter D, Chapter 203; and
- (2) payment of damages in the exercise of the authority, under Subchapter C, Chapter 203, for impairment of highway access to or from real property where the real property adjoins the highway.

SECTION 17. Section 54.209, Water Code, is amended to read as follows:

Sec. 54.209. LIMITATION ON USE OF EMINENT DOMAIN. A district may not exercise the power of eminent domain outside the district boundaries to acquire:

- (1) a site for a water treatment plant, water storage facility, wastewater treatment plant, or wastewater disposal plant;
- (2) a site for a park, swimming pool, or other recreational facility, as defined by Section 49.462 ~~except a trail~~;
- (3) ~~a site for a trail on real property designated as a homestead as defined by Section 41.002, Property Code; or~~
- (4) an exclusive easement through a county regional park; or

(4) a site or easement for a road project.

SECTION 18. Section 1, Chapter 178 (S.B. 289), Acts of the 56th Legislature, Regular Session, 1959 (Article 3183b-1, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 1. Except as provided by this section, and notwithstanding any other law, any ~~Any~~ nonprofit corporation incorporated under the laws of this state for purely charitable purposes and which is directly affiliated or associated with a medical center having a medical school recognized by the Council on Medical Education and Hospitals of the American Medical Association as an integral part of its establishment, and which has for a purpose of its incorporation the provision or support of medical facilities or services for the use and benefit of the public, and which is situated in any county of this state having a population in excess of six hundred thousand (600,000) inhabitants according to the most recent Federal Census shall have the power of eminent domain and condemnation for the purposes set forth in Section 2 and Section 3 of this Act. A charitable corporation described by this section may not exercise the power of eminent domain and condemnation to acquire a detached, single-family residential property or a multifamily residential property that contains eight or fewer dwelling units.

SECTION 19. (a) Section 552.0037, Government Code, is repealed.

(b) Section 21.024, Property Code, is repealed.

SECTION 20. Chapter 2206, Government Code, Chapter 21, Property Code, and Section 1, Chapter 178 (S.B. 289), Acts of the 56th Legislature, Regular Session, 1959 (Article 3183b-1, Vernon's Texas Civil Statutes), as amended by this Act, apply only to a condemnation proceeding in which the petition is filed on or after the effective date of this Act and to any property condemned through the proceeding. A condemnation proceeding in which the petition is filed before the effective date of this Act and any property condemned through the proceeding are governed by the law in effect immediately before that date, and that law is continued in effect for that purpose.

SECTION 21. The change in law made by this Act to Section 202.021, Transportation Code, applies only to a sale or transfer under that section that occurs on or after the effective date of this Act. A sale or transfer that occurs before the effective date of this Act is governed by the law applicable to the sale or transfer immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 22. The changes in law made by this Act to Section 54.209, Water Code, apply only to a condemnation proceeding in which the petition is filed on or after the effective date of this Act. A condemnation proceeding in which the petition is filed before the effective date of this Act is governed by the law in effect on the date the petition was filed, and that law is continued in effect for that purpose.

SECTION 23. This Act takes effect September 1, 2011.

Floor Amendment No. 4

Amend **CSSB 18** on page 4, between lines 18 and 19 by adding a new subsection to read as follows:

(e) Notwithstanding the provisions of this section, a property owner and the owner of the easement may agree to terms other than those stated in subsection (c).

Floor Amendment No. 8

Amend **CSSB 18** (house committee printing) in SECTION 3 of the bill as follows:

(1) In the recital (page 9, line 14), strike "Sections 21.0113 and 21.0114" and substitute "Sections 21.0113, 21.0114, and 21.0115".

(2) After added Section 21.0114, Property Code (page 10, between lines 23 and 24), insert the following:

Sec. 21.0115. RIGHT TO RESCIND AGREEMENT. On or before the third day after the date on which a property owner enters into an agreement with an entity with eminent domain authority for the entity to acquire the owner's property for a public use from the property owner voluntarily, the property owner may rescind the agreement.

Floor Amendment No. 13

Amend **CSSB 18** (house committee printing) in SECTION 3 of the bill, in added Section 21.0113(b), Property Code (page 10, lines 1-4), by striking Subdivision (4) and substituting the following:

(4) before making a final offer, the entity obtains a written appraisal from an independent and certified appraiser of the value of the property being acquired and the damages, if any, to any of the property owner's remaining property;

Floor Amendment No. 14

Amend Isaac Amendment No. 13 to **CSSB 18** (page 44, pre-filed amendment packet), on line 6 between "appraiser" and "of", by inserting "not employed by the entity".

Floor Amendment No. 15

Amend **CSSB 18** (house committee printing) as follows:

(1) In SECTION 8 of the bill, in amended Section 21.023(2), Property Code (page 13, lines 14-15), strike "[fair market value of the property at the time the public use was canceled]" and substitute "or the fair market value of the property at the time the property owner becomes entitled to repurchase the property, whichever is less [public use was canceled]".

(2) In SECTION 15 of the bill, in amended Section 21.101(a)(2), Property Code (page 17, line 16), strike "or".

(3) In SECTION 15 of the bill, in amended Section 21.101(a)(3), Property Code (page 17, line 19), between "acquisition" and the period, insert the following:
; or

(4) the initial use of the property is not the public use for which the property was acquired

(4) In SECTION 15 of the bill, in amended Section 21.102, Property Code (page 19, lines 6-7), strike "an entity that acquired a real property interest through eminent domain determines".

(5) In SECTION 15 of the bill, strike amended Section 21.102(2), Property Code (page 19, lines 16-24), and substitute the following:

(2) an identification of the public use for which the property had been acquired, ~~and~~ a statement that the person has a right to repurchase the property under this subchapter, and an explanation of the reason under this subchapter the person has acquired the right to repurchase the property ~~(the public use has been canceled)~~; and

(6) In SECTION 15 of the bill, in added Section 21.1021(a), Property Code (page 20, lines 1-3), strike "On or after the 10th anniversary of the date on which real property was acquired by an entity through eminent domain, a" and substitute "A".

(7) In SECTION 15 of the bill, in added Section 21.1021(a)(2), Property Code (page 20, line 12), strike "; and" and substitute ";".

(8) In SECTION 15 of the bill, in added Section 21.1021(a)(3), Property Code (page 20, line 15), between "acquisition" and the period, insert the following:
; and

(4) whether the initial use of the property was the public use for which the property was acquired

(9) In SECTION 15 of the bill, in amended Section 21.103(b), Property Code (page 21, lines 22-24), strike "[fair market value of the property at the time the public use was canceled]" and substitute "or the fair market value of the property at the time the property owner becomes entitled to repurchase the property, whichever is less [public use was canceled]".

Floor Amendment No. 17

Amend **CSSB 18** (house committee printing) in SECTION 14 of the bill, in added Section 21.0471, Property Code (page 16, lines 24-25), by striking "offered to pay before the proceedings began" and substituting "offered in a final offer made under Section 21.0113".

Floor Amendment No. 18

Amend **CSSB 18** (house committee printing) as follows:

(1) In SECTION 20 of the bill (page 23, line 24), strike "Chapter 2206, Government Code," and substitute "Section 11.155, Education Code, Chapter 2206, Government Code, Sections 251.001, 261.001, 263.201, and 273.002, Local Government Code,".

(2) Add the following appropriately numbered SECTIONS to the bill and renumber the subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 11.155(a), Education Code, is amended to read as follows:

(a) An independent school district may, by the exercise of the right of eminent domain, acquire the fee simple title to real property ~~[for the purpose of securing sites]~~ on which to construct school buildings or for any other public use ~~[purpose]~~ necessary for the district.

SECTION _____. Section 251.001(a), Local Government Code, is amended to read as follows:

(a) When the governing body of a municipality considers it necessary, the municipality may exercise the right of eminent domain for a public use ~~[purpose]~~ to acquire public or private property, whether located inside or outside the municipality, for any of the following uses ~~[purposes]~~:

(1) the providing, enlarging, or improving of a municipally owned city hall; police station; jail or other law enforcement detention facility; fire station; library; school or other educational facility; academy; auditorium; hospital; sanatorium; market house; slaughterhouse; warehouse; elevator; railroad terminal; airport; ferry; ferry landing; pier; wharf; dock or other shipping facility; loading or unloading facility; alley, street, or other roadway; park, playground, or other recreational facility; square; water works system, including reservoirs, other water supply sources, watersheds, and water storage, drainage, treatment, distribution, transmission, and emptying facilities; sewage system including sewage collection, drainage, treatment, disposal, and emptying facilities; electric or gas power system; cemetery; and crematory;

(2) the determining of riparian rights relative to the municipal water works;

(3) the straightening or improving of the channel of any stream, branch, or drain;

(4) the straightening, widening, or extending of any alley, street, or other roadway; and

(5) ~~for~~ any other municipal public use ~~[purpose]~~ the governing body considers advisable.

SECTION _____. Section 261.001(a), Local Government Code, is amended to read as follows:

(a) A county may exercise the right of eminent domain to condemn and acquire land, an easement in land, or a right-of-way if the acquisition is necessary for the construction of a jail, courthouse, hospital, or library, or for another public use use ~~[purpose]~~ authorized by law.

SECTION _____. Section 263.201(c), Local Government Code, is amended to read as follows:

(c) The declaration of taking must contain:

(1) a declaration that the land or interest in land described in the original petition is taken for a public use use ~~[purpose]~~ and for ultimate conveyance to the United States;

(2) a description of the land sufficient for the identification of the land;

(3) a statement of the estate or interest in the land being taken;

(4) a statement of the public use to be made of the land;

(5) a plan showing the land being taken; and

(6) a statement of the amount of damages awarded by the special commissioners, or by the jury on appeal, for the taking of the land.

SECTION _____. Section 273.002, Local Government Code, is amended to read as follows:

Sec. 273.002. CONDEMNATION. Condemnation of property under this chapter shall be in accordance with state law relating to eminent domain, which may be Chapter 21, Property Code, or any other state law governing and relating to the condemnation of land for public use use ~~[purposes]~~ by a municipality.

Floor Amendment No. 24

Amend **CSSB 18** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 402.031(b), Government Code, is amended to read as follows:

(b) The landowner's bill of rights must notify each property owner that the property owner has the right to:

- (1) notice of the proposed acquisition of the owner's property;
- (2) a bona fide good faith effort to negotiate by the entity proposing to acquire the property;
- (3) an assessment of damages to the owner that will result from the taking of the property;
- (4) a hearing under Chapter 21, Property Code, including a hearing on the assessment of damages; ~~and~~
- (5) an appeal of a judgment in a condemnation proceeding, including an appeal of an assessment of damages; and
- (6) request that a governmental entity that condemns the property owner's property provide to the property owner all documentation required under Chapter 21, Property Code, in a language used for providing voting materials for a county election in the county in which the property is located as required by the Voting Rights Language Assistance Act of 1992 (42 U.S.C. Section 1973aa-1a), in addition to providing the documentation in English.

SECTION _____. Section 21.0112, Property Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) The statement must ~~be~~:

- (1) be printed in an easily readable font and type size; and
- (2) if the entity is a governmental entity:
 - (A) be [s] made available on the Internet website of the entity if technologically feasible; and
 - (B) include a provision informing the property owner that the entity is required to provide all documents and written information required under this chapter to be provided to the property owner in English, and if requested by the property owner, in a language used for providing voting materials for a county election in the county in which the property is located as required by the Voting Rights Language Assistance Act of 1992 (42 U.S.C. Section 1973aa-1a).

(c) A governmental entity shall provide to a property owner all documents and written information required under this chapter to be provided to the property owner in English, and if requested by the property owner, in a language used for providing voting materials for a county election in the county in which the property is located as required by the Voting Rights Language Assistance Act of 1992 (42 U.S.C. Section 1973aa-1a).

Floor Amendment No. 25

Amend Amendment No. 24 by Johnson to **CSSB 18** (page 68 of the amendment packet) as follows:

- (1) On page 1, lines 19 and 20, strike "all documentation required under Chapter 21" and substitute "the documents listed in Section 21.0112(c)".
- (2) On page 2 of the amendment, line 9, between "owner," and "in," insert "provide the documents listed in Subsection (c)".
- (3) On page 2, strike lines 13 through 19, and substitute the following:

(c) A governmental entity shall provide to a property owner all documents and written information required under this chapter to be provided to a property owner in English, and if requested by the property owner, provide the following documents in a language used for providing voting materials for a county election in the county in which the property is located as required by the Voting Rights Language Assistance Act of 1992 (42 U.S.C. Section 1973aa-1a), in addition to providing the documentation in English:

- (1) the landowner's bill of rights;
- (2) the notice of hearing required by Section 21.016, Property Code;
- (3) the disclosures required at the time of acquisition by Section 21.023, Property Code; and
- (4) the condemnation petition filed under Section 21.012, Property Code.

Floor Amendment No. 26

Amend Amendment No. 8 by Phillips to **CSSB 18** (page 43 of the amendment packet) on page 1, line 13, between "agreement" and the period, by inserting "if the property owner was not represented by an attorney with respect to entering into the agreement".

The amendments were read.

Senator Estes moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

The Presiding Officer, Senator Eltife in Chair, asked if there were any motions to instruct the conference committee on **SB 18** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Estes, Chair; Duncan, Whitmire, Lucio, and Harris.

SENATE BILL 1342 ON SECOND READING

Senator Seliger moved to suspend the regular order of business to take up for consideration **SB 1342** at this time on its second reading:

SB 1342, Relating to the use of bingo proceeds by licensed authorized organizations, including the use of proceeds to provide health insurance or health insurance benefits to certain employees.

The motion prevailed.

Senator Nelson asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Nelson.

SENATE BILL 1342 ON THIRD READING

Senator Seliger moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1342** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Nelson, Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 1342**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 1342** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1.

Nays: Nelson.

SENATE BILL 49 ON SECOND READING

Senator Zaffirini moved to suspend the regular order of business to take up for consideration **SB 49** at this time on its second reading:

SB 49, Relating to school district requirements regarding parental notification and documentation in connection with disciplinary alternative education programs.

The motion prevailed.

Senators Birdwell and Patrick asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Birdwell, Patrick.

SENATE BILL 49 ON THIRD READING

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 49** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 3.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Patrick, Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 49**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 49** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Patrick.

COMMITTEE SUBSTITUTE SENATE BILL 1048 ON SECOND READING

Senator Jackson moved to suspend the regular order of business to take up for consideration **CSSB 1048** at this time on its second reading:

CSSB 1048, Relating to the creation of public and private facilities and infrastructure.

The motion prevailed.

Senator Nichols asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Jackson offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1048** on Page 1, Line 35-36 by deleting the following:

(B) a political subdivision of this state, including a municipality, a county, or any kind of district.

And replacing with:

(B) a political subdivision of this state that elects to operate under this chapter by the adoption of a resolution by the governing body of the political subdivision.

The amendment to **CSSB 1048** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Jackson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1048 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Nichols.

**COMMITTEE SUBSTITUTE
SENATE BILL 1048 ON THIRD READING**

Senator Jackson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1048** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Nichols, Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1048**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1048** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1.

Nays: Nichols.

COMMITTEE SUBSTITUTE SENATE BILL 1086 ON SECOND READING

Senator Estes moved to suspend the regular order of business to take up for consideration **CSSB 1086** at this time on its second reading:

CSSB 1086, Relating to the operation by the Department of Agriculture of programs for rural economic development and the marketing and promotion of agricultural and other products grown, processed, or produced in this state.

The motion prevailed.

Senators Fraser and Patrick asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Fraser, Patrick.

COMMITTEE SUBSTITUTE SENATE BILL 1086 ON THIRD READING

Senator Estes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1086** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 3.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Fraser, Patrick, Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1086**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1086** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Fraser, Patrick.

COMMITTEE SUBSTITUTE SENATE BILL 860 ON SECOND READING

On motion of Senator Rodriguez and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 860** at this time on its second reading:

CSSB 860, Relating to the authority of the El Paso County Hospital District to appoint, contract for, or employ physicians, dentists, and other health care providers.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 860 ON THIRD READING**

Senator Rodriguez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 860** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 860**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 860** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1134 ON SECOND READING**

Senator Hegar moved to suspend the regular order of business to take up for consideration **CSSB 1134** at this time on its second reading:

CSSB 1134, Relating to the issuance of permits for certain facilities regulated by the Texas Commission on Environmental Quality.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Gallegos, Watson.

The bill was read second time.

Senator Hegar offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1134** (senate committee printing), in SECTION 1 of the bill, between added Sections 382.051961 and 382.051962, Health and Safety Code (page 1, between lines 48 and 49), by inserting the following:

(c) The air quality monitoring data and the evaluation of that data under Subsection (b):

(1) must be relevant and technically and scientifically credible, as determined by the commission; and

(2) may be generated by an ambient air monitoring program conducted by or on behalf of the commission in any part of the state or by another governmental entity of this state, a local or federal governmental entity, or a private organization.

The amendment to **CSSB 1134** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

Senator Davis offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 1134** (Senate committee printing), in SECTION 1 of the bill, in added Section 382.051962(c)(2), Health and Safety Code (page 2, line 13), by striking "January 5, 2014; and" and substituting "the earlier of:

(A) January 5, 2014; or

(B) the 30th day after the effective date of a new or amended permit adopted by the commission under Subsection (b); and".

The amendment to **CSSB 1134** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 2.

On motion of Senator Hegar and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1134 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Gallegos, Watson.

**COMMITTEE SUBSTITUTE
SENATE BILL 1134 ON THIRD READING**

Senator Hegar moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1134** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 3.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, West, Whitmire, Williams, Zaffirini.

Nays: Gallegos, Watson, Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1134**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1134** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Gallegos, Watson.

COMMITTEE SUBSTITUTE SENATE BILL 1300 ON SECOND READING

On motion of Senator Jackson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1300** at this time on its second reading:

CSSB 1300, Relating to insurer restrictions regarding repair of a motor vehicle covered under an insurance policy.

The bill was read second time.

Senator Jackson offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1300** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in amended Section 1952.304(a), Insurance Code (page 1, line 18), between "with" and "written", insert "a".

(2) In SECTION 1 of the bill, in amended Section 1952.304(a), Insurance Code (page 1, line 19), strike "describing" and substitute "summarizing".

(3) In SECTION 1 of the bill, in amended Section 1952.304(a), Insurance Code (page 1, lines 21-22), strike "an explanation" and substitute "a summary explanation".

(4) In SECTION 2 of the bill, at the end of added Section 1952.309, Insurance Code (page 1, line 48), insert "This section does not require an insurer to contract with an inquiring automobile repair facility."

The amendment to **CSSB 1300** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Jackson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1300 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 1300 ON THIRD READING

Senator Jackson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1300** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1300**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1300** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1217 ON SECOND READING**

On motion of Senator Estes and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1217** at this time on its second reading:

CSSB 1217, Relating to an excavator's duty to notify a notification center before excavating; providing civil and criminal penalties.

The bill was read second time.

Senator Estes offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1217** (senate committee printing) in SECTION 1 of the bill as follows:

(1) In Section 251.155(b), Utilities Code (page 1, line 22), strike "precautions" and substitute "care [~~precautions~~]".

(2) Strike amended Section 251.155(c), Utilities Code (page 1, lines 24-29), and substitute the following:

(c) When an emergency exists, the excavator shall notify a notification center as promptly as practicably [~~reasonably~~] possible.

The amendment to **CSSB 1217** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Estes and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1217 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1217 ON THIRD READING**

Senator Estes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1217** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1217**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1217** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE SENATE BILL 15 ON SECOND READING

Senator Fraser moved to suspend the regular order of business to take up for consideration **CSSB 15** at this time on its second reading:

CSSB 15, Relating to state energy policy and the planning of energy development and utilization.

The motion prevailed.

Senators Birdwell and Patrick asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Fraser offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 15** as follows:

- (1) On page 1, line 42, strike "Office" and substitute "Commission";
- (2) On page 1, line 42, strike "State Energy Conservation Office" and substitute "Public Utility Commission";
- (3) On page 2, line 5, strike "office" and substitute "State Energy Conservation Office";
- (4) On page 2, line 19, strike "office" and substitute "commission";
- (5) On page 2, line 20, strike "office" and substitute "commission";
- (6) On page 5, line 22, insert the following new subsection (i) to read as follows: "(i) Implementation of the requirements of this section shall be contingent upon receiving gifts, grants, or donations sufficient to cover the expenses incurred by the commission.".

The amendment to **CSSB 15** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 except as follows:

Nays: Birdwell.

Senator Seliger offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 15** (senate committee report) as follows:

(1) In ARTICLE 1 of the bill, in SECTION 1.02, in added Section 300.005(a)(10), Utilities Code (page 2, line 66), between "Section 39.904(d)" and the period, insert ", including solar and wind technologies".

(2) In ARTICLE 1 of the bill, in SECTION 1.02, in added Section 300.005(b), Utilities Code (page 3, line 3), after the period, add "The council shall also consider all types of generation technology to identify in its recommendations current or potential operational or administrative advantages or disadvantages of each type of technology to which a protocol of the Electric Reliability Council of Texas applies.".

(3) In ARTICLE 2 of the bill, in SECTION 2.02, in added section 39.9049(p), Utilities Code (page 5, line 27), between "advantages" and "to," insert "through Electric Reliability Council of Texas protocols".

The amendment to **CSSB 15** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 2.

Senator Ogden offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 15** (senate committee printing) by adding the following new SECTIONS to the bill and renumbering subsequent SECTIONS appropriately:

SECTION _____. Section 31.002, Utilities Code, is amended by adding Subdivision (4-a) and amending Subdivision (10) to read as follows:

(4-a) "Distributed natural gas generation facility" means a facility installed on the customer's side of the meter that uses natural gas to generate not more than 2,000 kilowatts of electricity.

(10) "Power generation company" means a person, including a person who owns or operates a distributed natural gas generation facility, that:

(A) generates electricity that is intended to be sold at wholesale;

(B) does not own a transmission or distribution facility in this state other than an essential interconnecting facility, a facility not dedicated to public use, or a facility otherwise excluded from the definition of "electric utility" under this section; and

(C) does not have a certificated service area, although its affiliated electric utility or transmission and distribution utility may have a certificated service area.

SECTION _____. The heading to Subchapter B, Chapter 35, Utilities Code, is amended to read as follows:

SUBCHAPTER B. EXEMPT WHOLESALE GENERATORS, DISTRIBUTED
NATURAL GAS GENERATION FACILITIES, AND POWER MARKETERS

SECTION ____. Subchapter B, Chapter 35, Utilities Code, is amended by adding Section 35.036 to read as follows:

Sec. 35.036. DISTRIBUTED NATURAL GAS GENERATION FACILITIES.

(a) A person who owns or operates a distributed natural gas generation facility may sell electric power generated by the facility. The electric utility, electric cooperative, or retail electric provider that provides retail electricity service to the facility may purchase electric power tendered to it by the owner or operator of the facility at a value agreed to by the electric utility, electric cooperative, or retail electric provider and the owner or operator of the facility. The value of the electric power may be based wholly or partly on the clearing price of energy at the time of day and at the location at which the electric power is made available to the electric grid.

(b) At the request of the owner or operator of the distributed natural gas generation facility, the electric utility or electric cooperative shall allow the owner or operator of the facility to use transmission and distribution facilities to transmit the electric power to another entity that is acceptable to the owner or operator in accordance with commission rules or a tariff approved by the Federal Energy Regulatory Commission.

(c) Subject to Subsections (e) and (f), if the owner or operator of a distributed natural gas generation facility requests to be interconnected to an electric utility or electric cooperative that does not have a transmission tariff approved by the Federal Energy Regulatory Commission, the electric utility or electric cooperative may recover from the owner or operator of the facility the reasonable costs of interconnecting the facility with the electric utility or electric cooperative that are necessary for and directly attributable to the interconnection of the facility.

(d) Subject to Subsections (e) and (f), an electric utility or electric cooperative may recover from the owner or operator of a distributed natural gas generation facility the reasonable costs of electric facility upgrades and improvements if:

(1) the rated capacity of the distributed natural gas generation facility is greater than the rated capacity of the electric utility or electric cooperative; and

(2) the costs are necessary for and directly attributable to accommodating the distributed natural gas generation facility's capacity.

(e) An electric utility or electric cooperative may recover costs under Subsection (c) or (d) only if:

(1) the electric utility or electric cooperative provides a written good-faith cost estimate to the owner or operator of the distributed natural gas generation facility; and

(2) the owner or operator of the distributed natural gas generation facility agrees in writing to pay the reasonable and necessary costs of interconnection or capacity accommodation requested by the owner or operator and described in the estimate before the electric utility or electric cooperative incurs the costs.

(f) If an electric utility or electric cooperative seeks to recover from the owner or operator of a distributed natural gas generation facility an amount that exceeds the amount in the estimate provided under Subsection (e) by more than five percent, the commission shall resolve the dispute at the request of the owner or operator of the facility.

(g) A distributed natural gas generation facility must comply with emissions limitations established by the Texas Commission on Environmental Quality for a standard emissions permit for an electric generation facility unit installed after January 1, 1995.

(h) This section does not require an electric cooperative to transmit electricity to a retail point of delivery in the certificated service area of the electric cooperative if the electric cooperative has not adopted customer choice.

SECTION _____. Section 39.351(c), Utilities Code, is amended to read as follows:

(c) The commission may establish simplified filing requirements for distributed natural gas generation facilities. [A power generation company may register any time after September 1, 2000.]

The amendment to **CSSB 15** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 3 except as follows:

Nays: Birdwell.

Senator Fraser offered the following amendment to the bill:

Floor Amendment No. 4

Amend **CSSB 15** (senate committee report) as follows:

(1) In ARTICLE 1 of the bill, in SECTION 1.02, in added Section 300.003(b), Utilities Code (page 2, line 18), strike "12" and replace with "13".

(2) In ARTICLE 1 of the bill, in SECTION 1.02, in added Section 300.003(b), Utilities Code, amend by striking "and" (page 3, line 8), then adding "and" immediately after the word "office" (page 3, line 9), then adding: "(11) one member of the public with expertise in low-income energy issues including the needs of low-income and vulnerable ratepayers appointed by the governor."

(3) In ARTICLE 1 of the bill, in SECTION 1.02, in added Section 300.004(a), Utilities Code, amend by striking "and" (page 4, line 15), then adding "and" immediately after "energy" (page 4, line 18), and then adding "(8) take into account the needs of low-income and vulnerable Texans."

The amendment to **CSSB 15** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 4 except as follows:

Nays: Birdwell.

On motion of Senator Fraser and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 15 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Birdwell, Hegar, Patrick.

**COMMITTEE SUBSTITUTE
SENATE BILL 15 ON THIRD READING**

Senator Fraser moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 15** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 4.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Hegar, Patrick, Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 15**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 15** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 28, Nays 3.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Hegar, Patrick.

**COMMITTEE SUBSTITUTE
SENATE BILL 773 ON SECOND READING**

Senator Zaffirini moved to suspend the regular order of business to take up for consideration **CSSB 773** at this time on its second reading:

CSSB 773, Relating to telecommunications service discounts for educational institutions, libraries, hospitals, and telemedicine centers.

The motion prevailed.

Senators Birdwell, Estes, and Nelson asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Deuell offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 773** (senate committee printing) as follows:

(1) On page 1, between lines 16 and 17, insert the following new SECTION:

SECTION 2. Section 58.253(a), Utilities Code, is amended to read as follows:

(a) On customer request, an electing company shall provide private network services to:

(1) an educational institution;

(2) a library as defined in Section 57.021;

(3) a nonprofit telemedicine center;

(4) a public or not-for-profit hospital; [✕]

(5) a legally constituted consortium or group of entities listed in this subsection; or

(6) a health center.

(2) Renumber subsequent SECTIONS of the bill accordingly.

The amendment to **CSSB 773** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Zaffirini and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 773 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Birdwell, Estes, Nelson.

**COMMITTEE SUBSTITUTE
SENATE BILL 773 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 773** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 4.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Estes, Nelson, Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 773**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 773** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 28, Nays 3.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Estes, Nelson.

SENATE BILL 1733 ON SECOND READING

On motion of Senator Van de Putte and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1733** at this time on its second reading:

SB 1733, Relating to the occupational licensing of spouses of members of the military.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 1733 ON THIRD READING

Senator Van de Putte moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1733** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 1733**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 1733** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE SENATE BILL 1293 ON SECOND READING

On motion of Senator Hegar and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1293** at this time on its second reading:

CSSB 1293, Relating to the amounts of administrative, civil, and criminal penalties for violations relating to certain pipelines.

The bill was read second time.

Senator Hegar offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1293** in SECTION 9 of the bill, in amended Section 121.310(b), Utilities Code (Senate committee printing, page 2, line 14), by striking "\$500 [~~\$50~~]" and substituting "\$50".

The amendment to **CSSB 1293** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Hegar and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1293 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1293 ON THIRD READING**

Senator Hegar moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1293** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1293**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1293** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1638 ON SECOND READING

On motion of Senator Davis and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1638** at this time on its second reading:

SB 1638, Relating to the exception of certain personal information from required disclosure under the public information law.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 1638 ON THIRD READING

Senator Davis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1638** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 1638**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 1638** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 333 WITH HOUSE AMENDMENT

Senator Fraser called **SB 333** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer, Senator Eltife in Chair, laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **SB 333** (house committee report) on page 2, line 13, by striking "25" and substituting "20".

The amendment was read.

Senator Fraser moved to concur in the House amendment to **SB 333**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

**SENATE RULE 11.10(a) SUSPENDED
(Public Notice of Committee Meetings)**

On motion of Senator Deuell and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on Health and Human Services might meet today.

**SENATE RULES SUSPENDED
(Posting Rules)**

On motion of Senator Watson and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Transportation and Homeland Security might meet and consider **SB 1114** tomorrow.

**SENATE RULE 11.10(a) SUSPENDED
(Public Notice of Committee Meetings)**

On motion of Senator Shapiro and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on Education might meet today.

**NOTICE GIVEN FOR
LOCAL AND UNCONTESTED CALENDAR**

Senator Rodriguez announced that a Local and Uncontested Calendar had been furnished to each Member of the Senate. He then gave notice that the Local and Uncontested Calendar Session would be held at 8:00 a.m. Thursday, April 21, 2011, and that all bills and resolutions would be considered on second and third reading in the order in which they were listed.

CO-AUTHOR OF SENATE BILL 44

On motion of Senator Zaffirini, Senator Hinojosa will be shown as Co-author of **SB 44**.

CO-AUTHOR OF SENATE BILL 89

On motion of Senator Lucio, Senator West will be shown as Co-author of **SB 89**.

CO-AUTHOR OF SENATE BILL 224

On motion of Senator Nelson, Senator Van de Putte will be shown as Co-author of **SB 224**.

CO-AUTHOR OF SENATE BILL 267

On motion of Senator Williams, Senator Lucio will be shown as Co-author of **SB 267**.

CO-AUTHOR OF SENATE BILL 573

On motion of Senator Nichols, Senator Watson will be shown as Co-author of **SB 573**.

CO-AUTHOR OF SENATE BILL 641

On motion of Senator Seliger, Senator Lucio will be shown as Co-author of **SB 641**.

CO-AUTHORS OF SENATE BILL 773

On motion of Senator Zaffirini, Senators Carona and Deuell will be shown as Co-authors of **SB 773**.

CO-AUTHOR OF SENATE BILL 1293

On motion of Senator Hegar, Senator Davis will be shown as Co-author of **SB 1293**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 802 by Wentworth, In memory of John Matthew Bird of San Antonio.

SR 803 by Wentworth, In memory of Warren Alston of Bulverde.

SR 804 by Wentworth, In memory of Armin F. Puck.

SR 805 by Wentworth, In memory of Kenneth N. Ports of San Antonio.

SR 806 by Wentworth, In memory of Harry Joseph Burns of San Antonio.

SR 807 by Zaffirini, In memory of Jesse Wallace Quinney Sr.

HCR 120 (Wentworth), In memory of Thomas Peter Whalen of Schertz.

Congratulatory Resolutions

SR 798 by West, Recognizing Denny D. Davis on the occasion of his 20th year of service to Saint John Church.

SR 800 by Davis, Congratulating Patrick M. Walker for receiving the Barbara Jordan Media Award for print news.

SR 801 by Van de Putte, Recognizing Carlos Madero of San Antonio for more than forty years of service as a peace officer.

SR 808 by Zaffirini, Recognizing Karen Bessette on the occasion of her retirement as principal of Randolph Elementary School on Randolph Air Force Base.

SR 809 by Nelson, Deuell, Harris, Hegar, and Lucio, Recognizing the students from Texas A&M University who are participating in policy internship programs in Austin.

SR 811 by Davis, Recognizing Allyson L. Sekerke on the occasion of her high school graduation.

SR 812 by Davis, Recognizing Thomasene Sweeney Norton of Itasca for her service to her community.

Official Designation Resolutions

HCR 134 (Duncan), Declaring Lamesa the Legendary Home of the Chicken-fried Steak.

HCR 136 (Fraser), Commemorating April 2011 as Safe Digging Month.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 2:24 p.m. adjourned, in memory of Larry "T-Byrd" Gordon, until 11:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Secretary of the Senate in the order listed:

April 19, 2011

VETERAN AFFAIRS AND MILITARY INSTALLATIONS — **CSSR 506, SCR 37, SB 1734, CSSB 1755, CSSB 1796**

BUSINESS AND COMMERCE — **SB 1463, SB 1812**

EDUCATION — **CSSB 570**

TRANSPORTATION AND HOMELAND SECURITY — **CSSB 1248, CSSB 1307**

ADMINISTRATION — **CSSB 1841**

HIGHER EDUCATION — **CSSB 1726, CSSB 1730**

BILLS ENGROSSED

April 18, 2011

SB 266, SB 843, SB 1002, SB 1065, SB 1132, SB 1420, SB 1568, SB 1617, SB 1618

BILLS AND RESOLUTIONS ENROLLED

April 18, 2011

SB 309, SB 386, SB 458, SB 525, SB 567, SB 684, SB 727, SB 737, SB 785, SB 832, SB 890, SB 983, SR 760, SR 763, SR 770, SR 793, SR 794, SR 795, SR 796

SIGNED BY GOVERNOR

April 15, 2011

SCR 40

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FORTY-SIXTH DAY

(Wednesday, April 20, 2011)

The Senate met at 11:38 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

The President announced that a quorum of the Senate was present.

The Reverend Jimmy L. Steele, Trinidad United Methodist Church, Trinidad, offered the invocation as follows:

Dear Lord, we pray that You will be with this body as they serve today. And we pray for Your guidance to all who serve in all positions of government. We pray that You will guide them with their labors, as You have guided so many others who have served in the past. Give them the guidance and wisdom to serve according to Your will. Thank You for the heritage You have given us in this state and in Your kingdom. We pray You will bless the State of Texas and the United States of America. In Jesus' name. Amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of the previous day be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Wednesday, April 20, 2011 - 1

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

- HB 44** Menendez
Relating to the authority of a property owners' association to regulate the use of certain lots for residential purposes.
- HB 213** Rodriguez, Eddie
Relating to the duties of a mortgage servicer of certain residential mortgage loans.
- HB 265** Hilderbran
Relating to the lease of space by or for a state agency.
- HB 345** Kleinschmidt
Relating to limitations on awards in an adjudication brought against a local governmental entity for breach of contract.
- HB 499** Rodriguez, Eddie
Relating to the additional penalty for collection costs for certain delinquent ad valorem taxes.
- HB 968** Strama
Relating to expulsion from school or placement in a disciplinary alternative education program.
- HB 1064** Pitts
Relating to exempting certain customers from certain demand charges by transmission and distribution utilities.
- HB 1118** Ritter
Relating to the resale of property purchased by a taxing unit at a tax sale.
- HB 1380** Truitt
Relating to the graduate medical training requirements for certain foreign medical school graduates applying for a license to practice medicine in this state.
- HB 1965** Kolkhorst
Relating to the expansion of faith- and community-based health and human services initiatives.
- HB 2131** Geren
Relating to the issuance of a pass for expedited access to the State Capitol.
- HB 2541** Solomons
Relating to the regulation of traffic on certain roads by counties.
- HB 2559** Truitt
Relating to commercial motor vehicle installment sales.
- HB 2605** Taylor, Larry
Relating to certain workers' compensation benefits and to the continuation and functions of the division of workers' compensation of the Texas Department of Insurance; providing an administrative violation.
- HB 2904** Zerwas
Relating to the administration of the Glenda Dawson Donate Life-Texas Registry.

HB 3174

Madden

Relating to the stay of recognition or enforcement of a foreign country judgment to allow for de novo review of a contract or agreement for a sale, offer for sale, or sell under The Securities Act.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

BILLS AND RESOLUTION SIGNED

The President announced the signing of the following enrolled bills and resolution in the presence of the Senate after the captions had been read:

SB 333, SB 691, SCR 42.**PHYSICIAN OF THE DAY**

Senator Ogden was recognized and presented Dr. Daniel Voss of Jarrell as the Physician of the Day.

The Senate welcomed Dr. Voss and thanked him for his participation in the Physician of the Day program sponsored by the Texas Academy of Family Physicians.

MESSAGES FROM THE GOVERNOR

The following Messages from the Governor were read and were referred to the Committee on Nominations:

April 19, 2011
Austin, Texas

TO THE SENATE OF THE EIGHTY-SECOND LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be members of the Texas Commission of Licensing and Regulation for terms to expire February 1, 2017:

Lilian Norman-Keeney
Taylor Lake Village, Texas
(Ms. Norman-Keeney is being reappointed)

Ravi Shah
The Colony, Texas
(replacing Lewis Benavides of Oak Point whose term expired)

To be members of the Texas Medical Board for terms to expire April 13, 2017:

Julie K. Attebury
Amarillo, Texas
(Ms. Attebury is being reappointed)

Stanley S. Wang
Austin, Texas
(replacing Jose Benavides of San Antonio whose term expired)

George Willeford, III
Austin, Texas
(Dr. Willeford is being reappointed)

Irvin E. Zeitler, Jr.
Paint Rock, Texas
(Dr. Zeitler is being reappointed)

Respectfully submitted,

/s/Rick Perry
Governor

April 20, 2011
Austin, Texas

TO THE SENATE OF THE EIGHTY-SECOND LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be members of the State Health Services Council for terms to expire February 1, 2017:

Kirk Aquilla Calhoun
Tyler, Texas
(Dr. Calhoun is being reappointed)

David Woolweaver
Harlingen, Texas
(Dr. Woolweaver is being reappointed)

To be a member of the State Board of Veterinary Medical Examiners for a term to expire August 26, 2013:

Richard Scott Bonner, Jr.
Corpus Christi, Texas
Mr. Bonner is replacing David Kercheval of Grandview who resigned.

To be members of the State Pension Review Board for terms to expire as indicated:

To Expire January 31, 2015:
Leslie Greco-Pool
Eules, Texas
(replacing Scott D. Smith of Cedar Park who resigned)

To Expire January 31, 2017:
J. Robert Massengale
Lubbock, Texas
(Mr. Massengale is being reappointed)

To be members of the Health and Human Services Council for terms to expire February 1, 2017:

Kathleen O. Angel
Austin, Texas
(Ms. Angel is being reappointed)

Maryann Miyun Choi
Georgetown, Texas
(Dr. Choi is being reappointed)

Karen Harris
Lakehills, Texas
(replacing Robert Valadez of San Antonio whose term expired)

Respectfully submitted,

/s/Rick Perry
Governor

April 20, 2011
Austin, Texas

TO THE SENATE OF THE EIGHTY-SECOND LEGISLATURE, REGULAR SESSION:

On January 19, 2011, I submitted the name of Joyce King for appointment to the Cancer Prevention and Research Institute of Texas Oversight Committee for a term to expire January 31, 2013.

Because she resigned, I hereby withdraw her nomination and request that the Senate return the appointment to me.

Respectfully submitted,

/s/Rick Perry
Governor

SENATE RESOLUTION 746

Senator Watson offered the following resolution:

SR 746, Commending the Austin Downtown Founder Lions Club on the occasion of its 95th anniversary.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Watson was recognized and introduced to the Senate a Lions Club delegation: J. P. Kirksey, Patti Robinson, Leah Baxter, Gus Garcia, and Neil Gilligan, Jr.

The Senate welcomed its guests.

SENATE RESOLUTION 626

Senator Whitmire offered the following resolution:

SR 626, Recognizing Texas Ranger Chief Antonio Leal on the occasion of his retirement from the Texas Department of Public Safety.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Whitmire was recognized and introduced to the Senate Texas Ranger Chief Antonio Leal; his wife, Coco Leal; and their children, Lindsay, Logan, Tony IV, and Lynden.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Eltife was recognized and introduced to the Senate representatives from retirement communities across Texas.

The Senate welcomed its guests.

SENATE RESOLUTION 793

Senator Shapiro offered the following resolution:

SR 793, Declaring the month of April, 2011, Genocide Awareness and Prevention Month.

The resolution was again read.

The resolution was previously adopted on Monday, April 18, 2011.

GUESTS PRESENTED

Senator Shapiro was recognized and introduced to the Senate Texas Holocaust and Genocide Commission representatives: Chaja Verveer, Commissioner; Gilbert Tuhabonye, Commissioner; Ian Hancock, Commissioner; and Kristy Peloquin, Coordinator.

The Senate welcomed its guests.

SENATE RESOLUTION 797

Senator Hinojosa offered the following resolution:

SR 797, Welcoming the 2011 Feria de las Flores contestants to the State Capitol.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Hinojosa was recognized and introduced to the Senate a 2011 Feria de las Flores Scholarship Pageant delegation: Betty Danielle Caraballo, April De La Paz, Mariah Gomez, Bianca Silvas, and Krystella Stobbs.

The Senate welcomed its guests.

SENATE RESOLUTION 704

Senator Birdwell offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to pay tribute to the life of Alphonso Steele, a treasured Texas patriot who fought in the Battle of San Jacinto and survived to live a long and fruitful life; he was the last of the Texas survivors to die; and

WHEREAS, Alphonso Steele was born on April 9, 1817, to a pioneer family in Hardin County, Kentucky; in 1835, he joined Captain Ephraim M. Daggett's company of volunteers in Louisiana and traveled with the company to Texas to aid in the Texas Revolution; and

WHEREAS, The company arrived at Washington-on-the-Brazos on New Year's Day in 1836; since Texas had not yet declared its independence, many volunteers disbanded and returned home; Alphonso remained until after the signing of the Texas Declaration of Independence; he then joined a company of men who were serving under Captain Joseph L. Bennett, and the company later joined General Sam Houston's army; and

WHEREAS, Alphonso served in the Battle of San Jacinto as a private in Captain James Gillespie's company of Sidney Sherman's regiment; he was severely wounded in the early stages of the battle, but he continued to fight until the end; during much of the battle, Alphonso's gray horse was ridden by General Sam Houston, until the animal was shot beneath him; and

WHEREAS, After months of recuperation, Alphonso made his way to Montgomery County, where he began to farm and raise cattle; he married Mary Ann Powell in 1838, and the couple moved in 1844 to a part of Robertson County that later became Limestone County; the couple had eight children, and many of their descendants went on to distinguish themselves in military service; and

WHEREAS, In 1907, Alphonso revisited the San Jacinto Battleground at the invitation of Andrew Jackson Houston, the son of Sam Houston; on February 10, 1909, the 31st Texas Legislature presented Alphonso with a gold medal for his bravery at the Battle of San Jacinto; Alphonso died on July 8, 1911, near Kosse, at the home of a grandson; he was 94 years old; a poem dedicated to him and entitled "The Last Hero" was written in the year of his death by Jake H. Harrison; and

WHEREAS, A life-size picture of Alphonso is in the San Jacinto Monument; there are two portraits of Alphonso in the State Preservation Board's permanent Capitol art collection; a large portrait by Marie Cronin, commissioned by the state in 1909, hangs prominently in the Senate Chamber, and a smaller portrait hangs in the House clerk's office; and

WHEREAS, Alphonso Steele represents those early pioneers who loved Texas and had the courage and dedication to fight for its independence; he and his colleagues endured unbelievable hardships and challenges and emerged from them victoriously to help shape the state that we all take pride in today; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby honor Alphonso Steele and celebrate the life of this intrepid Texas hero by paying tribute to his courage and his invaluable contributions to our state; and, be it further

RESOLVED, That a copy of this Resolution be prepared for his descendants as an expression of highest esteem from the Texas Senate, and that this Resolution be presented to Gene C. Steele, the oldest living great-grandchild of Alphonso Steele.

SR 704 was again read.

The resolution was previously adopted on Monday, April 4, 2011.

GUESTS PRESENTED

Senator Birdwell was recognized and introduced to the Senate the Steele family, including: Gene Steele, Rocky Steele, and the Reverend Jimmy Steele, who offered the invocation today.

The Senate welcomed its guests.

SENATE RESOLUTION 816

Senator Lucio offered the following resolution:

SR 816, Recognizing April 24, 2011, as Texas Meningitis Awareness Day at the State Capitol.

LUCIO
DAVIS

The resolution was read.

On motion of Senator Ellis and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Lucio, the resolution was adopted without objection.

GUESTS PRESENTED

Senator Lucio, joined by Senator Davis, was recognized and introduced to the Senate Patsy Silva Schanbaum and Jamie Schanbaum.

The Senate welcomed its guests.

SENATE RESOLUTION 799

Senator Davis offered the following resolution:

SR 799, In memory of Nicolis Terrel Williams of Sugar Land.

DAVIS
HUFFMAN
JACKSON

The resolution was read.

On motion of Senator Huffman and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Davis, **SR 799** was adopted by a rising vote of the Senate.

In honor of the memory of Nicolis Terrel Williams, the text of the resolution is printed at the end of today's *Senate Journal*.

GUESTS PRESENTED

Senator Davis, joined by Senators Huffman and Jackson, was recognized and introduced to the Senate family members of Nicolis Terrel Williams: his father, Gregory Williams; his mother, Arlene Williams; and his sister, Tiffany Williams.

The Senate welcomed its guests and extended its sympathy.

GUESTS PRESENTED

Senator Hegar was recognized and introduced to the Senate K. R. Wood, Karen Jellison, Tim Von Dohlen, Jeff Horny, and John Goodspeed.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Ellis was recognized and introduced to the Senate Jim Newkirk and Cynthia Smith.

The Senate welcomed its guests.

CONCLUSION OF MORNING CALL

The President at 12:39 p.m. announced the conclusion of morning call.

SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

The President announced the time had arrived to consider executive appointments to agencies, boards, and commissions. Notice of submission of these names for consideration was given yesterday by Senator Deuell.

Senator Deuell moved confirmation of Charles Eugene Roy, Collin County, reported by the Committee on Nominations on Tuesday, April 5, 2011, and severed on Wednesday, April 6, 2011.

NOMINEE CONFIRMED

The following nominee was confirmed by the following vote: Yeas 27, Nays 4.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Uresti, Van de Putte, Wentworth, Whitmire, Williams, Zaffirini.

Nays: Ellis, Rodriguez, Watson, West.

Director, Office of State-Federal Relations: Charles Eugene Roy, Collin County.

Senator Deuell moved confirmation of the nominees reported yesterday by the Committee on Nominations.

The President asked if there were requests to sever nominees.

There were no requests offered.

NOMINEES CONFIRMED

The following nominees, as reported by the Committee on Nominations, were confirmed by the following vote: Yeas 31, Nays 0.

Judge, 128th Judicial District Court, Orange County: Courtney R. Burch-Arkeen, Orange County.

Members, Governing Board, Department of Information Resources: Richard S. Moore, Goliad County; Phillip Keith Morrow, Tarrant County; Wanda Chandler Rohm, Bexar County.

Member, Executive Council of Physical Therapy and Occupational Therapy Examiners: Arthur Roger Matson, Williamson County.

Member, State Preservation Board: Ida Louise Clement Steen, Bexar County.

Members, Board of Directors, Texas Economic Development Corporation: David Gregorio Cabrales, Dallas County; Marc Angelley Farmer, Lubbock County; Mario Omar Garcia, Wilson County; Macedonio Villarreal, Fort Bend County.

Member, Texas Lottery Commission: J. Winston Krause, Travis County.

Members, Texas Racing Commission: Alan Scott Haywood, Travis County; Gloria Hicks, Nueces County; Michael Floyd Martin, Bexar County; Robert Herman Schmidt, Parker County.

Members, Board of Directors, Texas School Safety Center: Amy L. C. Clapper, Williamson County; Dewey Michael Cox, Hays County; Garry Edward Eoff, Brown County; Daniel Riley Griffith, Travis County; Carl Alonzo Montoya, Cameron County; Adelaida Olivarez, Travis County; James Richard Pendell, El Paso County; Stephen Paul Raley, Angelina County; Dawn DuBose Randle, Harris County; Ruben Gonzales Reyes, Lubbock County.

INTRODUCTION OF BILLS AND RESOLUTIONS POSTPONED

The President announced that the introduction of bills and resolutions on first reading would be postponed until the end of today's session.

There was no objection.

SENATE BILL 1393 ON SECOND READING

Senator Seliger moved to suspend the regular order of business to take up for consideration **SB 1393** at this time on its second reading:

SB 1393, Relating to the use of contracts by local governments to purchase electricity.

The motion prevailed.

Senator Fraser asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Fraser, Hegar.

SENATE BILL 1393 ON THIRD READING

Senator Seliger moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1393** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Fraser, Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 1393**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 1393** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Gallegos, Harris, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Fraser, Hegar.

COMMITTEE SUBSTITUTE SENATE BILL 1000 ON SECOND READING

On motion of Senator Eltife and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1000** at this time on its second reading:

CSSB 1000, Relating to the self-directed and semi-independent status of the Texas Real Estate Commission; making an appropriation.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 1000 ON THIRD READING

Senator Eltife moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1000** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1000**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1000** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1353 ON SECOND READING

On motion of Senator Eltife and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1353** at this time on its second reading:

SB 1353, Relating to certain claims against persons licensed as real estate brokers and salespersons.

The bill was read second time.

Senator Eltife offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 1353** (Senate Committee Report), on page 1, line 16, after "salesperson." by inserting the following:

"This exemption does not apply to:

(1) an express misrepresentation of a material fact that cannot be characterized as advice, judgment, or opinion;

(2) a failure to disclose information in violation of Section 17.46(b)(24); or

(3) an unconscionable action or course of action that cannot be characterized as advice, judgment, or opinion."

The amendment to **SB 1353** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Eltife and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

SB 1353 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 1353 ON THIRD READING

Senator Eltife moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1353** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 1353**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 1353** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1378 ON SECOND READING

On motion of Senator Nichols and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1378** at this time on its second reading:

SB 1378, Relating to the authority of the Alabama-Coushatta Indian Tribe to commission peace officers.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 1378 ON THIRD READING

Senator Nichols moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1378** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 1378**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 1378** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

GUESTS PRESENTED

Senator Nichols was recognized and introduced to the Senate Alabama-Coushatta Indian Tribe members.

The Senate welcomed its guests.

**COMMITTEE SUBSTITUTE
SENATE BILL 220 ON SECOND READING**

On motion of Senator Nelson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 220** at this time on its second reading:

CSSB 220, Relating to guardianships, including the assessment of prospective wards for, and the provision of, guardianship services by the Department of Aging and Disability Services.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 220 ON THIRD READING**

Senator Nelson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 220** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 220**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 220** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1331 ON SECOND READING

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1331** at this time on its second reading:

SB 1331, Relating to criminal offenses regarding the possession or consumption of alcoholic beverages by a minor and providing alcoholic beverages to a minor.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 1331 ON THIRD READING

Senator Watson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1331** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 1331**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 1331** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE SENATE BILL 660 ON SECOND READING

Senator Hinojosa moved to suspend the regular order of business to take up for consideration **CSSB 660** at this time on its second reading:

CSSB 660, Relating to the review and functions of the Texas Water Development Board, including the functions of the board and related entities in connection with the process for establishing and appealing desired future conditions in a groundwater management area.

The motion prevailed.

Senator Uresti asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Hinojosa offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 660** (senate committee report) as follows:

(1) In SECTION 2 of the bill, strike added Section 6.114(a)(1), Water Code (page 1, lines 48-59), and substitute the following:

(1) "Default" means:

(A) default in payment of the principal of or interest on bonds, securities, or other obligations purchased or acquired by the board;

(B) failure to perform any covenant related to a bond, security, or other obligation purchased or acquired by the board;

(C) a failure to perform any of the terms of a loan, grant, or other financing agreement; or

(D) any other failure to perform an obligation, breach of a term of an agreement, or default as provided by any proceeding or agreement evidencing an obligation or agreement of a recipient, beneficiary, or guarantor of financial assistance provided by the board.

(2) In SECTION 2 of the bill, strike added Section 6.115, Water Code (page 2, lines 15-47), and substitute the following:

Sec. 6.115. RECEIVERSHIP. (a) In this section, "financial assistance program recipient" has the meaning assigned by Section 6.114.

(b) In addition to the remedies available under Section 6.114, at the request of the board, the attorney general shall bring suit in a district court in Travis County for the appointment of a receiver to collect the assets and carry on the business of a financial assistance program recipient if:

(1) the action is necessary to cure a default by the recipient; and

(2) the recipient is not:

(A) a municipality or county; or

(B) a district or authority created under Section 52, Article III, or Section 59, Article XVI, Texas Constitution.

(c) The court shall vest a receiver appointed by the court with any power or duty the court finds necessary to cure the default, including the power or duty to:

(1) perform audits;

(2) raise wholesale or retail water or sewer rates or other fees;

(3) fund reserve accounts;

(4) make payments of the principal of or interest on bonds, securities, or other obligations purchased or acquired by the board; and

(5) take any other action necessary to prevent or to remedy the default.

(d) The receiver shall execute a bond in an amount to be set by the court to ensure the proper performance of the receiver's duties.

(e) After appointment and execution of bond, the receiver shall take possession of the books, records, accounts, and assets of the financial assistance program recipient specified by the court. Until discharged by the court, the receiver shall perform the duties that the court directs and shall strictly observe the final order involved.

(f) On a showing of good cause by the financial assistance program recipient, the court may dissolve the receivership.

(3) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION ____ . Section 17.9022, Water Code, is amended to read as follows:

Sec. 17.9022. FINANCING OF GRANT OR LOAN FOR POLITICAL SUBDIVISION; DEFAULT; VENUE. [~~(a)~~] The board may make a loan or grant available to a political subdivision in any manner the board considers economically feasible, including purchase of bonds or securities of the political subdivision or execution of a loan or grant agreement with the political subdivision. The board may not purchase bonds or securities that have not been approved by the attorney general and registered by the comptroller.

~~[(b) In the event of a default in payment of the principal of or interest on bonds or securities purchased by the board, or any other default as defined in the proceedings or indentures authorizing the issuance of bonds, or a default of any of the terms of a loan agreement, the attorney general shall seek a writ of mandamus or other legal remedy to compel the political subdivision or its officers, agents, and employees to cure the default by performing the duties they are legally obligated to perform. The proceedings shall be brought and venue is in a district court in Travis County. This subsection is cumulative of any other rights or remedies to which the board may be entitled.]~~

SECTION _____. Sections 15.908 and 17.180, Water Code, are repealed.

The amendment to **CSSB 660** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

Senator Hinojosa offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 660** (senate committee report), in SECTION 12 of the bill, as follows:

(1) Strike added Section 17.003(d), Water Code (page 7, lines 7-13), and substitute the following:

(d) In requesting approval for the issuance of bonds under this chapter, the executive administrator shall certify to the bond review board whether the bonds are reasonably expected to be paid from:

(1) the general revenues of the state; or

(2) revenue sources other than the general revenues of the state.

(2) In added Section 17.003(e), Water Code (page 7, line 14), strike "determine the portion of the" and substitute "verify whether".

(3) In added Section 17.003(e), Water Code (page 7, line 16), strike "that".

The amendment to **CSSB 660** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 2.

On motion of Senator Hinojosa and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 660 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Uresti.

COMMITTEE SUBSTITUTE SENATE BILL 660 ON THIRD READING

Senator Hinojosa moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 660** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Uresti, Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 660**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 660** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1.

Nays: Uresti.

COMMITTEE SUBSTITUTE SENATE BILL 1216 ON SECOND READING

On motion of Senator Estes and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1216** at this time on its second reading:

CSSB 1216, Relating to determination of the validity and enforceability of a contract containing an arbitration agreement in suits for dissolution of marriage and certain suits affecting the parent-child relationship.

The bill was read second time.

Senator Estes offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1216** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, at the end of added Section 6.6015, Family Code (page 1, between lines 30 and 31), insert the following:

(c) This section does not apply to:

- (1) a court order;
 - (2) an agreement entered into by the parties under this subchapter; or
 - (3) any other agreement between the parties that is approved by a court.
- (2) In SECTION 2 of the bill, at the end of added Section 153.00715, Family Code (page 1, between lines 47 and 48), insert the following:
- (c) This section does not apply to:
 - (1) a court order;
 - (2) an agreed parenting plan described by Section 153.007;
 - (3) a mediated settlement agreement described by Section 153.0071;
 - (4) a collaborative law agreement described by Section 153.0072; or
 - (5) any other agreement between the parties that is approved by a court.

The amendment to **CSSB 1216** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Estes and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1216 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 1766 ON SECOND READING

On motion of Senator Rodriguez and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1766** at this time on its second reading:

CSSB 1766, Relating to the Texas Code of Military Justice.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 1766 ON THIRD READING

Senator Rodriguez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1766** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1766**, because in my judgment no circumstance exists in this case to justify the

extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1766** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE SENATE BILL 1368 ON SECOND READING

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1368** at this time on its second reading:

CSSB 1368, Relating to the authority of a co-owner of residential property to encumber the property.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 1368 ON THIRD READING

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1368** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1368**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1368** would

have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

(Senator Eltife in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 434 ON SECOND READING**

On motion of Senator Nelson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 434** at this time on its second reading:

CSSB 434, Relating to the establishment of a task force to address the relationship between domestic violence and child abuse and neglect.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 434 ON THIRD READING**

Senator Nelson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 434** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 434**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 434** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed.

Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1434 ON SECOND READING**

Senator Carona moved to suspend the regular order of business to take up for consideration **CSSB 1434** at this time on its second reading:

CSSB 1434, Relating to certain low-income weatherization programs.

The motion prevailed.

Senator Birdwell asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Birdwell.

**COMMITTEE SUBSTITUTE
SENATE BILL 1434 ON THIRD READING**

Senator Carona moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1434** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1434**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the

requirement of the Texas Constitution, third reading and a vote on **CSSB 1434** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1.

Nays: Birdwell.

**COMMITTEE SUBSTITUTE
SENATE BILL 208 ON SECOND READING**

Senator Gallegos moved to suspend the regular order of business to take up for consideration **CSSB 208** at this time on its second reading:

CSSB 208, Relating to public notice and forums concerning finalists for the position of superintendent of a school district.

The motion prevailed.

Senator Nelson asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Nelson.

**COMMITTEE SUBSTITUTE
SENATE BILL 208 ON THIRD READING**

Senator Gallegos moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 208** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Nelson, Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 208**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 208** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1.

Nays: Nelson.

SENATE BILL 635 ON SECOND READING

Senator Nichols moved to suspend the regular order of business to take up for consideration **SB 635** at this time on its second reading:

SB 635, Relating to the authority of the executive director of the Texas Commission on Environmental Quality in relation to establishing water and sewer utility rates.

The motion prevailed.

Senator Estes asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Estes.

SENATE BILL 635 ON THIRD READING

Senator Nichols moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 635** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Estes, Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 635**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 635** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1.

Nays: Estes.

COMMITTEE SUBSTITUTE SENATE BILL 1291 ON SECOND READING

On motion of Senator Hegar and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1291** at this time on its second reading:

CSSB 1291, Relating to the budget of certain divisions of the Texas Department of Insurance.

The bill was read second time.

Senator Hegar offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1291** (Senate committee printing), in SECTION 1 of the bill, as follows:

(1) At the end of added Section 401.252(a), Insurance Code (page 1, line 39), add:

The commissioner shall approve a budget under this subsection not later than August 31 of the year in which the associate commissioner submits the budget to the commissioner.

(2) Strike added Sections 401.252(b) and (c), Insurance Code (page 1, lines 40-51).

(3) In added Section 401.252(e)(2), Insurance Code (page 1, line 62), strike "Subsection (b)" and substitute "this section".

(4) Reletter subsections of added Section 401.252, Insurance Code, appropriately.

The amendment to **CSSB 1291** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Hegar and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1291 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 1291 ON THIRD READING

Senator Hegar moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1291** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1291**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1291** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 636 ON SECOND READING

On motion of Senator Nichols and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 636** at this time on its second reading:

SB 636, Relating to the consolidation of more than one water or sewer system under a single tariff by an investor-owned utility.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 636 ON THIRD READING

Senator Nichols moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 636** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 636**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 636** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE SENATE BILL 1281 ON SECOND READING

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1281** at this time on its second reading:

CSSB 1281, Relating to certain violations of and offenses under The Securities Act; providing penalties.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1281 ON THIRD READING**

Senator Watson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1281** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1281**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1281** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

STATEMENT OF LEGISLATIVE INTENT

Senator Watson submitted the following statement of legislative intent for **CSSB 1281**:

CSSB 1281 reconciles the administrative, criminal, and civil authority and remedies previously granted by the Legislature to the Securities Board and Securities Commissioner with other provisions of law. The bill does not provide a wholesale expansion of the powers of the Securities Board or the Securities Commissioner. CSSB 1281 does not alter the existing definitions of "investment adviser" or "investment adviser representative." Under current law, the terms "investment adviser" and "investment adviser representative" are defined terms in the Texas Securities Act and those existing definitions do not include persons who advise another as to the value of, or who issue or adopt analyses or reports concerning, financial products that are not securities. By definition, the investment adviser's services are already limited to activities relating to securities. However, if the advice, analyses, or report involves both securities and financial products that are not securities, the services relating to securities, regardless of the percentage of those services relative to the total services provided, would be subject to the provisions of the Texas Securities Act.

WATSON

VOTES RECONSIDERED

On motion of Senator Estes and by unanimous consent, the vote by which **CSSB 1216** was passed to engrossment was reconsidered:

CSSB 1216, Relating to determination of the validity and enforceability of a contract containing an arbitration agreement in suits for dissolution of marriage and certain suits affecting the parent-child relationship.

Question — Shall **CSSB 1216** as amended be passed to engrossment?

On motion of Senator Estes and by unanimous consent, the vote by which Floor Amendment No. 1 was adopted was reconsidered.

Question — Shall Floor Amendment No. 1 to **CSSB 1216** be adopted?

Senator Harris offered the following amendment to Floor Amendment No. 1:

Floor Amendment No. 2

Amend Floor Amendment No. 1 to **CSSB 1216** as follows:

- (1) By striking Subdivision (2) of Subsection (c) on lines 8 through 9; and
- (2) By renumbering the remainder accordingly.

The amendment to Floor Amendment No. 1 to **CSSB 1216** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 2.

Question recurring on the adoption of Floor Amendment No. 1 as amended to **CSSB 1216**, the amendment was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 as amended.

On motion of Senator Estes and by unanimous consent, the caption was again amended to conform to the body of the bill as amended.

CSSB 1216 as amended was again passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 1216 ON THIRD READING

Senator Estes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1216** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1216**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1216** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1014 ON SECOND READING**

Senator Davis moved to suspend the regular order of business to take up for consideration **CSSB 1014** at this time on its second reading:

CSSB 1014, Relating to the discharge of a prisoner from a county jail.

The motion prevailed.

Senators Harris and Seliger asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Davis offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1014** (senate committee report) as follows:

(1) In the recital to SECTION 1 of the bill (page 1, line 14), strike "and (e)" and substitute "(e), and (f)".

(2) In SECTION 1 of the bill, in added Article 43.13(c), Code of Criminal Procedure (page 1, lines 21-22), strike ", other than a defendant who is reasonably suspected to be a person with mental illness,".

(3) In SECTION 1 of the bill, in added Article 43.13(e), Code of Criminal Procedure (page 1, between lines 36 and 37), insert the following new Subdivision (2) and renumber the subsequent subdivisions of added Article 43.13(e), Code of Criminal Procedure, accordingly:

(2) is being released at that time pursuant to an order from a court;

(4) In SECTION 1 of the bill, after added Article 43.13(e), Code of Criminal Procedure (page 1, between lines 45 and 46), insert the following:

(f) Subsection (e)(1) does not apply if a health care professional has determined that the defendant lacks the mental capacity to agree to or request a release.

The amendment to **CSSB 1014** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Davis and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1014 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Harris, Seliger.

**COMMITTEE SUBSTITUTE
SENATE BILL 1014 ON THIRD READING**

Senator Davis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1014** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 3.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Harris, Seliger, Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1014**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1014** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Harris, Seliger.

**COMMITTEE SUBSTITUTE
SENATE BILL 89 ON SECOND READING**

Senator Lucio moved to suspend the regular order of business to take up for consideration **CSSB 89** at this time on its second reading:

CSSB 89, Relating to summer nutrition programs provided for by school districts.

The motion prevailed by the following vote: Yeas 25, Nays 6.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Gallegos, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nichols, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Fraser, Harris, Nelson, Ogden, Patrick.

The bill was read second time and was passed to engrossment by the following vote: Yeas 24, Nays 7.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Gallegos, Hinojosa, Huffman, Jackson, Lucio, Nichols, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Fraser, Harris, Hegar, Nelson, Ogden, Patrick.

**COMMITTEE SUBSTITUTE
SENATE BILL 89 ON THIRD READING**

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 89** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 6.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nichols, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Harris, Nelson, Ogden, Patrick, Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 89**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying

the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 89** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 24, Nays 7.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Gallegos, Hinojosa, Huffman, Jackson, Lucio, Nichols, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Fraser, Harris, Hegar, Nelson, Ogden, Patrick.

REMARKS ORDERED PRINTED

On motion of Senator Nichols and by unanimous consent, the exchange between Senators Nichols and Lucio regarding **CSSB 89** was ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator Nichols: Thank you, Mr. President. Senator Lucio, I know you passed this bill last year, and we had some conversations related to that on the floor, but I understand your intent to extend the summer program. I just want to make sure that this does not result in any unfunded mandates to my new schools, new participating schools. I represent 84 school districts in East Texas, many of them are very small and rural, and a lot of them do not offer summer school. Under your expansion, 21 more of my school districts will now be offering this program. I've heard from some of those school districts, and if they currently do not offer a summer school because a lot of them can't afford it, mandated them to open their doors, turn on the air conditioner, and pay their employees to participate in the program, could be considered an extra cost to their schools. Under your bill would that school district be exempted from the program if they ask for it?

Senator Lucio: Yes, thank you very much for that question. Senator, I am not in favor of unfunded mandates either. And I just want to say first of all, Senator, that under this scenario, that school that you referred to would not be required to provide the program on their school grounds. That's the beauty of this program. It's a public-private partnership, it can be administered by the community. Some cities actually administer this for the schools, and, additionally, if that school were to have no choice but to offer the program on their campus but felt it would be cost prohibitive to turn on the air conditioner and open their doors, they could apply for a waiver under the, quote, cost prohibitive waiver, or they could currently apply for the extenuating circumstance waiver. So, your good questions and, certainly, we address those concerns for you in this bill.

Senator Nichols: Okay. In the bill, there are, as you mentioned, several categories for a school district to receive a waiver from the program. I wanted to kind of ask a couple of questions, a little more about them. One of them, for example, would a district qualify to opt out if, I think in the bill it says transportation to enable district students to participate in the program is an insurmountable obstacle, would that be a reason?

Senator Lucio: Yes, Sir. Senator, I have visited with Texas Department of Agriculture on how they administer this program, and it's my understanding that they do not have any formal rules for further defining these terms. It was determined on a case by case basis, however, I can tell you that TDA works very closely with school districts, and therefore they know what a district can and cannot do. They are tasked with helping schools find a community sponsor as well, should a school district not be able to do this. Additionally, you should know that if a school asks for a waiver, the vast majority of the time they receive it. TDA only denied 17 waivers all of last year, out of 130 requests, so, you know, it's kind of like a slam dunk when you ask for that.

Senator Nichols: Well, thank you. In the bill I think there is a term referred to as cost prohibitive. Is there a definition for cost prohibitive?

Senator Lucio: Yes, there is in the bill. Yes, Sir. Under this bill, there will be a methodology created to establish costs. In order to create this fiscal note, TDA took the information they had regarding cost to each district that exceeded the federal reimbursement and averaged it out. However, because schools did not report costs in a uniform manner, this is not an accurate number. Different schools considered different things extra cost. Many schools, including some in your district, report making money from the program, and I do have some tables that I can share with any of the Members that might want to know how their school districts fare.

Senator Nichols: Okay. I appreciate that. I know that I do have a number of my schools that very much like the program. It's been very successful in a lot of areas, but, I, before the session started I went and visited with all 84 of my school superintendents in their area.

Senator Lucio: Wow.

Senator Nichols: It took me several months to do it.

Senator Lucio: Wow.

Senator Nichols: Yeah.

Senator Lucio: Congratulations.

Senator Nichols: Thank you. It takes a lot of scheduling to do that. But one of the things it did focus on was, please don't give us any more unfunded mandates. So the ones that want to do the program, I think that's great. But the ones that feel like it's going to cost their school extra, and they want to make clarification. And so, I'm just kind of at the tail end of this thing. In the fiscal note on the bill it refers to, and I'm going to quote it, federal reimbursement is available for each meal served in a summer nutrition program, but the reimbursement may not be estimated to cover the entire

cost. Senator Lucio, if there is any cost to a school district that the federal reimbursement does not cover, would that allow for the school district to qualify for a waiver?

Senator Lucio: Absolutely, yes, Sir.

Senator Nichols: Okay, thank you, Senator Lucio.

**COMMITTEE SUBSTITUTE
SENATE BILL 511 ON SECOND READING**

Senator Van de Putte moved to suspend the regular order of business to take up for consideration **CSSB 511** at this time on its second reading:

CSSB 511, Relating to the designated doctor's examination under the workers' compensation system.

The motion prevailed.

Senators Nichols and Patrick asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Nichols, Patrick.

**COMMITTEE SUBSTITUTE
SENATE BILL 511 ON THIRD READING**

Senator Van de Putte moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 511** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 3.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Ogden, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Nichols, Patrick, Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 511**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the

requirement of the Texas Constitution, third reading and a vote on **CSSB 511** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Ogden, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Nichols, Patrick.

(President in Chair)

SENATE BILL 601 ON SECOND READING

Senator Rodriguez moved to suspend the regular order of business to take up for consideration **SB 601** at this time on its second reading:

SB 601, Relating to the authority of the El Paso County Hospital District to employ and commission peace officers.

The motion prevailed.

Senator Patrick asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Patrick.

Absent: Williams.

SENATE BILL 601 ON THIRD READING

Senator Rodriguez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 601** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 2.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

Nays: Patrick, Wentworth.

Absent: Williams.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 601**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 601** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1.

Nays: Patrick.

Absent: Williams.

SENATE BILL 838 ON SECOND READING

On motion of Senator Patrick and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 838** at this time on its second reading:

SB 838, Relating to the penalty for driving while intoxicated.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Absent: Williams.

SENATE BILL 838 ON THIRD READING

Senator Patrick moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 838** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Wentworth.

Absent: Williams.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 838**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 838** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent: Williams.

PERMISSION TO INTRODUCE BILLS

On motion of Senator Whitmire and by unanimous consent, Senate Rule 7.07(b) was suspended to permit the introduction of the following bills: **SB 1910**, **SB 1912**.

SENATE CONCURRENT RESOLUTION 44

The President laid before the Senate the following resolution:

WHEREAS, Section 17, Article III, Texas Constitution, provides that neither house of the legislature may adjourn for more than three days without the consent of the other house; now, therefore, be it

RESOLVED by the 82nd Legislature of the State of Texas, That each house grant the other permission to adjourn for more than three days during the period beginning on Thursday, April 21, 2011, and ending on Tuesday, April 26, 2011.

WHITMIRE

SCR 44 was read.

On motion of Senator Whitmire, the resolution was considered immediately and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of the resolution.

SENATE BILL 1085 REREFERRED
(Motion In Writing)

Senator Wentworth submitted a Motion In Writing requesting that **SB 1085** be withdrawn from the Committee on Jurisprudence and rereferred to the Committee on Finance.

The Motion In Writing prevailed without objection.

NOTICE GIVEN FOR
LOCAL AND UNCONTESTED CALENDAR

Senator Eltife announced that a Local and Uncontested Calendar had been furnished to each Member of the Senate. He then gave notice that the Local and Uncontested Calendar Session would be held at 8:00 a.m. tomorrow and that all bills and resolutions would be considered on second and third reading in the order in which they were listed.

SENATE RULE 11.13 SUSPENDED
(Consideration of Bills in Committees)

On motion of Senator Eltife and by unanimous consent, Senate Rule 11.13 was suspended to grant all committees permission to meet while the Senate is meeting today during the introduction of bills and resolutions on first reading and tomorrow during the Local and Uncontested Calendar Session.

SENATE RULE 11.10(a) SUSPENDED
(Public Notice of Committee Meetings)

On motion of Senator Whitmire and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on Criminal Justice might meet today.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Estes and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Agriculture and Rural Affairs might meet and consider **SB 1035** today.

SENATE RULE 11.10(a) SUSPENDED
(Public Notice of Committee Meetings)

On motion of Senator Lucio and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on International Relations and Trade might meet today.

MOTION TO RECESS AND ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 2:56 p.m. agreed to recess, upon completion of the introduction of bills and resolutions on first reading, until 8:00 a.m. tomorrow for the Local and Uncontested Calendar Session.

The Senate further agreed to adjourn, in memory of Nicolis Terrel Williams and Charles Wren, upon conclusion of the Local and Uncontested Calendar Session, until 11:00 a.m. Tuesday, April 26, 2011.

SENATE BILLS ON FIRST READING

The following bills were introduced, read first time, and referred to the committees indicated:

SB 1910 by Rodriguez

Relating to the delay of the transition to competition for an electric utility located in the Western Electricity Coordinating Council service area and net metering requirements for a certain non-ERCOT electric utility and relating to energy efficiency goals and programs for a certain non-ERCOT utility
To Committee on Business and Commerce.

SB 1911 by Zaffirini

Relating to the creation of the Webb County Municipal Management District; providing authority to impose a tax, levy an assessment, and issue bonds.
To Committee on Intergovernmental Relations.

SB 1912 by Wentworth

Relating to the private entity granted care and custody of the Alamo.
To Committee on Administration.

HOUSE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions received from the House were read first time and referred to the committees indicated:

HB 11 to Committee on Administration.

HB 27 to Committee on Criminal Justice.

HB 35 to Committee on Health and Human Services.

HB 42 to Committee on Transportation and Homeland Security.

HB 46 to Committee on Agriculture and Rural Affairs.

HB 71 to Committee on Transportation and Homeland Security.

HB 109 to Committee on Transportation and Homeland Security.

HB 118 to Committee on Health and Human Services.

HB 119 to Committee on Criminal Justice.

HB 125 to Committee on Natural Resources.

HB 175 to Committee on Business and Commerce.

HB 184 to Committee on State Affairs.

HB 191 to Committee on Transportation and Homeland Security.

HB 218 to Committee on Natural Resources.

HB 252 to Committee on Finance.

HB 253 to Committee on Health and Human Services.

HB 266 to Committee on Government Organization.

HB 289 to Committee on Criminal Justice.

HB 308 to Committee on Transportation and Homeland Security.

HB 328 to Committee on Government Organization.

HB 336 to Committee on State Affairs.

HB 338 to Committee on Agriculture and Rural Affairs.

HB 341 to Committee on Criminal Justice.

HB 360 to Committee on State Affairs.

HB 362 to Committee on Intergovernmental Relations.

HB 364 to Committee on Intergovernmental Relations.
HB 371 to Committee on Criminal Justice.
HB 411 to Committee on Health and Human Services.
HB 412 to Committee on Agriculture and Rural Affairs.
HB 413 to Committee on Agriculture and Rural Affairs.
HB 414 to Committee on Agriculture and Rural Affairs.
HB 423 to Committee on Transportation and Homeland Security.
HB 441 to Committee on Transportation and Homeland Security.
HB 443 to Committee on Criminal Justice.
HB 444 to Committee on Natural Resources.
HB 460 to Committee on Intergovernmental Relations.
HB 468 to Committee on Transportation and Homeland Security.
HB 479 to Committee on Economic Development.
HB 500 to Committee on Education.
HB 530 to Committee on Criminal Justice.
HB 533 to Committee on Finance.
HB 534 to Committee on Intergovernmental Relations.
HB 558 to Committee on Business and Commerce.
HB 564 to Committee on Intergovernmental Relations.
HB 571 to Committee on Natural Resources.
HB 588 to Committee on Transportation and Homeland Security.
HB 596 to Committee on Transportation and Homeland Security.
HB 600 to Committee on Redistricting.
HB 630 to Committee on Transportation and Homeland Security.
HB 634 to Committee on Transportation and Homeland Security.
HB 645 to Committee on Intergovernmental Relations.
HB 675 to Committee on Education.
HB 682 to Committee on Government Organization.
HB 690 to Committee on Criminal Justice.
HB 709 to Committee on Intergovernmental Relations.
HB 725 to Committee on Natural Resources.
HB 726 to Committee on Administration.
HB 729 to Committee on Intergovernmental Relations.
HB 734 to Committee on Jurisprudence.
HB 755 to Committee on State Affairs.
HB 811 to Committee on Intergovernmental Relations.
HB 840 to Committee on Intergovernmental Relations.
HB 841 to Committee on Jurisprudence.
HB 849 to Committee on Natural Resources.
HB 871 to Committee on Health and Human Services.
HB 886 to Committee on Intergovernmental Relations.
HB 902 to Committee on Intergovernmental Relations.
HB 908 to Committee on Jurisprudence.
HB 930 to Committee on Finance.
HB 942 to Committee on Jurisprudence.
HB 943 to Committee on Health and Human Services.

- HB 960** to Committee on Natural Resources.
HB 962 to Committee on Jurisprudence.
HB 965 to Committee on Natural Resources.
HB 975 to Committee on Intergovernmental Relations.
HB 988 to Committee on Criminal Justice.
HB 989 to Committee on Business and Commerce.
HB 994 to Committee on Criminal Justice.
HB 1000 to Committee on Higher Education.
HB 1010 to Committee on Transportation and Homeland Security.
HB 1020 to Committee on Business and Commerce.
HB 1028 to Committee on Criminal Justice.
HB 1032 to Committee on State Affairs.
HB 1040 to Committee on Economic Development.
HB 1072 to Committee on Jurisprudence.
HB 1075 to Committee on Transportation and Homeland Security.
HB 1083 to Committee on Criminal Justice.
HB 1106 to Committee on Criminal Justice.
HB 1116 to Committee on Transportation and Homeland Security.
HB 1136 to Committee on State Affairs.
HB 1147 to Committee on Open Government.
HB 1173 to Committee on Criminal Justice.
HB 1201 to Committee on Transportation and Homeland Security.
HB 1215 to Committee on Criminal Justice.
HB 1293 to Committee on Intergovernmental Relations.
HB 1301 to Committee on Transportation and Homeland Security.
HB 1305 to Committee on Transportation and Homeland Security.
HB 1322 to Committee on Agriculture and Rural Affairs.
HB 1330 to Committee on Transportation and Homeland Security.
HB 1334 to Committee on Education.
HB 1346 to Committee on Agriculture and Rural Affairs.
HB 1376 to Committee on Transportation and Homeland Security.
HB 1405 to Committee on State Affairs.
HB 1413 to Committee on Intergovernmental Relations.
HB 1417 to Committee on Intergovernmental Relations.
HB 1422 to Committee on Transportation and Homeland Security.
HB 1473 to Committee on Transportation and Homeland Security.
HB 1495 to Committee on Government Organization.
HB 1496 to Committee on Intergovernmental Relations.
HB 1499 to Committee on Transportation and Homeland Security.
HB 1504 to Committee on Government Organization.
HB 1524 to Committee on Intergovernmental Relations.
HB 1525 to Committee on Intergovernmental Relations.
HB 1527 to Committee on Agriculture and Rural Affairs.
HB 1560 to Committee on Economic Development.
HB 1570 to Committee on State Affairs.
HB 1573 to Committee on Criminal Justice.

HB 1756 to Committee on Intergovernmental Relations.
HB 1757 to Committee on Intergovernmental Relations.
HB 1758 to Committee on Intergovernmental Relations.
HB 1770 to Committee on Criminal Justice.
HB 1804 to Committee on Business and Commerce.
HB 1814 to Committee on Natural Resources.
HB 1829 to Committee on Health and Human Services.
HB 1869 to Committee on Intergovernmental Relations.
HB 1885 to Committee on Intergovernmental Relations.
HB 1891 to Committee on Criminal Justice.
HB 1901 to Committee on Natural Resources.
HB 1904 to Committee on State Affairs.
HB 1932 to Committee on Intergovernmental Relations.
HB 1944 to Committee on Natural Resources.
HB 1952 to Committee on Business and Commerce.
HB 1953 to Committee on Business and Commerce.
HB 1955 to Committee on State Affairs.
HB 1956 to Committee on Business and Commerce.
HB 1967 to Committee on Intergovernmental Relations.
HB 1981 to Committee on Natural Resources.
HB 2007 to Committee on Intergovernmental Relations.
HB 2015 to Committee on Criminal Justice.
HB 2035 to Committee on Business and Commerce.
HB 2124 to Committee on Criminal Justice.
HB 2154 to Committee on State Affairs.
HB 2193 to Committee on State Affairs.
HB 2866 to Committee on Government Organization.
HCR 33 to Committee on Administration.
HCR 63 to Committee on Administration.
HCR 68 to Committee on Criminal Justice.

CO-AUTHOR OF SENATE BILL 95

On motion of Senator Lucio, Senator Davis will be shown as Co-author of **SB 95**.

CO-AUTHOR OF SENATE BILL 205

On motion of Senator Whitmire, Senator Davis will be shown as Co-author of **SB 205**.

CO-AUTHOR OF SENATE BILL 856

On motion of Senator Van de Putte, Senator Deuell will be shown as Co-author of **SB 856**.

CO-AUTHOR OF SENATE BILL 1000

On motion of Senator Eltife, Senator Patrick will be shown as Co-author of **SB 1000**.

CO-AUTHOR OF SENATE BILL 1055

On motion of Senator Carona, Senator West will be shown as Co-author of **SB 1055**.

CO-AUTHOR OF SENATE BILL 1219

On motion of Senator Carona, Senator Davis will be shown as Co-author of **SB 1219**.

CO-AUTHORS OF SENATE BILL 1353

On motion of Senator Eltife, Senators Patrick and Van de Putte will be shown as Co-authors of **SB 1353**.

CO-AUTHORS OF SENATE BILL 1380

On motion of Senator Ellis, Senators Van de Putte and Zaffirini will be shown as Co-authors of **SB 1380**.

CO-AUTHOR OF SENATE BILL 1621

On motion of Senator Van de Putte, Senator Davis will be shown as Co-author of **SB 1621**.

CO-AUTHOR OF SENATE BILL 1796

On motion of Senator Rodriguez, Senator Davis will be shown as Co-author of **SB 1796**.

CO-AUTHOR OF SENATE BILL 1872

On motion of Senator Van de Putte, Senator West will be shown as Co-author of **SB 1872**.

CO-AUTHOR OF SENATE CONCURRENT RESOLUTION 37

On motion of Senator Hinojosa, Senator Davis will be shown as Co-author of **SCR 37**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Congratulatory Resolutions

SCR 43 by Fraser, Recognizing the 50th anniversary of the C-130 Hercules aircraft at Dyess Air Force Base.

SR 813 by Hinojosa, Congratulating Govind Nadkarni on being named vice president for the Southern Zone of the National Council of Examiners for Engineering and Surveying.

SR 814 by Huffman, Commending John Michael Morris-Esparza for achieving the rank of Eagle Scout.

SR 815 by Huffman, Commending Nicholas Graham Bayley for achieving the rank of Eagle Scout.

SR 817 by Jackson, Recognizing Ben Meador for his service to San Jacinto College.

SR 818 by Jackson, Recognizing Jerome McKown on the occasion of his retirement from the La Porte Police Department.

SR 819 by Jackson, Recognizing the Texas Bay Area Credit Union on the occasion of its 75th anniversary.

SR 820 by Uresti, Recognizing Charlie and Connie De La Garza on the occasion of their 50th wedding anniversary.

RECESS

Pursuant to a previously adopted motion, the Senate at 3:31 p.m. recessed until 8:00 a.m. tomorrow for the Local and Uncontested Calendar Session.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Secretary of the Senate in the order listed:

April 20, 2011

FINANCE — **CSSB 23**

BUSINESS AND COMMERCE — **CSSB 365, CSHB 1510**

CRIMINAL JUSTICE — **CSSB 1681**

EDUCATION — **SB 1533, SB 736, CSSB 1511**

NATURAL RESOURCES — **CSSB 1902, SB 1294, SB 1257**

EDUCATION — **CSSB 346**

BUSINESS AND COMMERCE — **CSSB 1849**

TRANSPORTATION AND HOMELAND SECURITY — **SJR 13, CSSB 1102, CSSB 1035**

BILLS ENGROSSED

April 19, 2011

SB 7, SB 8, SB 15, SB 44, SB 49, SB 167, SB 267, SB 295, SB 536, SB 616, SB 661, SB 717, SB 773, SB 860, SB 866, SB 1005, SB 1048, SB 1086, SB 1134, SB 1217, SB 1225, SB 1250, SB 1258, SB 1293, SB 1300, SB 1342, SB 1356, SB 1357, SB 1638, SB 1661, SB 1733

BILLS AND RESOLUTIONS ENROLLED

April 19, 2011

SB 333, SB 691, SCR 42, SR 798, SR 800, SR 801, SR 802, SR 803, SR 804, SR 805, SR 806, SR 807, SR 808, SR 809, SR 811, SR 812

SENT TO GOVERNOR

April 20, 2011

**SB 309, SB 333, SB 386, SB 458, SB 525, SB 567, SB 684, SB 691, SB 727,
SB 737, SB 785, SB 832, SB 890, SB 983, SCR 42**

In Memory
of
Nicolis Terrel Williams
Senate Resolution 799

WHEREAS, There are no words that can diminish the pain caused by a young life cut short, but all who shared in the love and friendship of Nicolis Terrel Williams of Sugar Land may find comfort in their memories of this special young man, who died on February 11, 2011, at the age of 20; and

WHEREAS, The son of Gregory Williams and Arlene Williams, Nico Williams was born on November 13, 1990; he played saxophone in the Kempner High School Cougar Marching Band and enjoyed playing soccer; and

WHEREAS, Mr. Williams was a junior economics major at Texas A&M University; he was looking forward to studying in Ireland during the summer of 2011 and had his sights set on attending law school; and

WHEREAS, A proud Aggie and a caring young man, Mr. Williams assisted his fellow students through his work with Fish Camp, the freshman orientation program, as well as with the Freshman Leaders in Progress program and with CARPOOL, a student-run group that provides free rides home on selected nights; his generosity continues to bless others in extraordinary ways, for his support of organ donation has helped to save the lives of five individuals; and

WHEREAS, Although his time on this earth was far too brief, Nico Williams brought great joy into many lives, and he will forever be remembered with admiration and affection; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby pay tribute to the memory of Nicolis "Nico" Terrel Williams and extend deep condolences to the members of his family: to his parents, Gregory Williams and Arlene Williams; to his sister, Tiffany Williams; to his grandparents, Annie Jean Williams and Hilton and Ernestine Green; and to his many other relatives and friends; and, be it further

RESOLVED, That an official copy of this Resolution be prepared for his family and that when the Texas Senate adjourns this day, it do so in memory of Nicolis Williams.

DAVIS
HUFFMAN
JACKSON

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FORTY-SIXTH DAY

(Continued)

(Thursday, April 21, 2011)

AFTER RECESS

The Senate met at 8:00 a.m. and was called to order by Senator Eltife.

**SESSION HELD FOR
LOCAL AND UNCONTESTED CALENDAR**

The Presiding Officer announced that the time had arrived to consider bills and resolutions placed on the Local and Uncontested Calendar. Notice of consideration of the local calendar was given by Senator Eltife yesterday.

Pursuant to Senate Rule 9.03(d), the following bills and resolutions were laid before the Senate in the order listed, read second time, amended where applicable, passed to engrossment or third reading, read third time, and passed. The votes on passage to engrossment or third reading, suspension of the Constitutional Three-day Rule, and final passage are indicated after each caption. All Members are deemed to have voted "Yea" on viva voce votes unless otherwise indicated.

CSHB 74 (Van de Putte)

Relating to persons authorized to control the disposition of the remains of certain members of the United States armed forces.

(viva voce vote) (31-0) (31-0)

HB 612 (Nichols)

Relating to the criminal penalty for failure of a trustee to pay the beneficiaries of the trust the purchase price for timber sold by the trustee.

(viva voce vote) (31-0) (31-0)

HB 613 (Nichols)

Relating to the unauthorized harvesting of standing timber; providing for the imposition of a criminal penalty.

(viva voce vote) (31-0) (31-0)

CSSB 95 (Lucio)

Relating to the use by insurers of certain standard insurance policy forms for residential property insurance.

(viva voce vote) (31-0) (31-0)

CSSB 120 (Uresti)

Relating to requiring dental support for a child subject to a child support order.
(viva voce vote) (31-0) (31-0)

SB 149 (West)

Relating to rules adopted and reporting required under the school district college credit program.
(viva voce vote) (31-0) (31-0)

CSSB 216 (Ellis)

Relating to procedures related to the placement of a voter on the suspense list.
(viva voce vote) Nelson "Nay" (30-1) Nelson "Nay" (30-1) Nelson "Nay"

CSSB 252 (Jackson)

Relating to procedures relating to the issuance and renewal of, and certain notice requirements associated with, certain deer permits.
(viva voce vote) (31-0) (31-0)

CSSB 260 (West)

Relating to minimum training standards for employees of certain child-care facilities.
(viva voce vote) (31-0) (31-0)

CSSB 264 (Zaffirini)

Relating to certain information provided by local workforce development boards regarding certain child-care providers.
(viva voce vote) (31-0) (31-0)

SB 265 (Zaffirini)

Relating to training for employees and operators of certain child-care facilities.
(viva voce vote) (31-0) (31-0)

SB 348 (Estes)

Relating to the sale or delivery of salvia divinorum or Salvinorin A to a child; providing a penalty.
(viva voce vote) (31-0) (31-0)

CSSB 375 (Wentworth)

Relating to categories of information presumed to be public and certain exceptions from required disclosure under the public information law.
(viva voce vote) (31-0) (31-0)

CSSB 378 (Hegar)

Relating to the date by which a pest management zone or cotton grower may request an extension of the cotton stalk destruction deadline.
(viva voce vote) (31-0) (31-0)

SB 540 (Van de Putte)

Relating to a study of the fiscal impact of adjusting the amount of the ad valorem tax exemption to which disabled veterans and the surviving spouses and children of disabled veterans and certain members of the armed forces are entitled.
(viva voce vote) (31-0) (31-0)

(Senator Birdwell in Chair)**CSSB 602** (Rodriguez)

Relating to allowing a governmental body to redact certain personal information under the public information law without the necessity of requesting a decision from the attorney general and the calculation of certain deadlines under the public information law.

(viva voce vote) (31-0) (31-0)

SB 609 (Rodriguez)

Relating to the exemption of certain property from municipal drainage service charges and from related ordinances, resolutions, and rules.

(viva voce vote) (31-0) (31-0)

CSSB 613 (Rodriguez)

Relating to educational requirements for licensing as a speech-language pathologist or audiologist.

(viva voce vote) (31-0) (31-0)

CSSB 768 (Watson)

Relating to the creation of the Rio de Vida Municipal Utility District No. 1; providing authority to impose a tax and issue bonds.

(viva voce vote) (31-0) (31-0)

CSSB 810 (Hinojosa)

Relating to the boundaries of the Ingleside Cove Wildlife Sanctuary.

(viva voce vote) (31-0) (31-0)

SB 896 (Estes)

Relating to the issuance of specialty license plates to certain family members of a person who dies while serving in the United States armed forces.

(viva voce vote) (31-0) (31-0)

CSSB 913 (Estes)

Relating to the transmission of records regarding over-the-counter sales of ephedrine, pseudoephedrine, and norpseudoephedrine and a person's civil liability for certain acts arising from the sale of those products.

(viva voce vote) (31-0) (31-0)

SB 924 (Carona)

Relating to energy efficiency reports by municipally owned utilities and electric cooperatives.

(viva voce vote) (31-0) (31-0)

CSSB 942 (Watson)

Relating to the creation and financing of the Lakeway Regional Medical Center Defined Area in Travis County Water Control and Improvement District No. 17; providing authority to impose a tax and issue bonds.

(viva voce vote) (31-0) (31-0)

CSSB 943 (Carona)

Relating to the classification, use, and regulation of electric energy storage equipment or facilities.

(viva voce vote) (31-0) (31-0)

CSSB 958 (Wentworth)

Relating to the regulation of dangerous wild animals.

(viva voce vote) Fraser "Nay" (30-1) Fraser "Nay" (30-1) Fraser "Nay"

SB 977 (Hinojosa)

Relating to the imposition and use of the municipal hotel occupancy tax by certain eligible central municipalities.

(viva voce vote) (31-0) (31-0)

CSSB 982 (Carona)

Relating to the authority of the Public Utility Commission of Texas in relation to extended service areas and toll-free local calling areas.

(viva voce vote) (31-0) (31-0)

CSSB 984 (Carona)

Relating to the elimination of certain tariff filing requirements for telecommunications providers.

(viva voce vote) (31-0) (31-0)

CSSB 985 (Carona)

Relating to the regulation of Voice over Internet Protocol service.

(viva voce vote) (31-0) (31-0)

(Senator Eltife in Chair)**CSSB 986** (Carona)

Relating to deregulation of certain telecommunications markets and companies.

(viva voce vote) (31-0) (31-0)

CSSB 993 (Uresti)

Relating to certain arrangements to provide care for a child during an investigation of abuse or neglect.

(viva voce vote) (31-0) (31-0)

CSSB 1026 (Harris)

Relating to the powers and duties of an attorney ad litem appointed for a parent or an alleged father in certain suits affecting the parent-child relationship.

(viva voce vote) (31-0) (31-0)

SB 1043 (Watson)

Relating to the criminal penalty for the discarding of certain burning materials.

(viva voce vote) (31-0) (31-0)

SB 1046 (Duncan)

Relating to information regarding deceased registered voters.

(viva voce vote) (31-0) (31-0)

SB 1054 (Hegar)

Relating to notice of acceptance or rejection of an insurance claim.

(viva voce vote) (31-0) (31-0)

CSSB 1055 (Carona)

Relating to reports concerning and the reporting of the use of certain funds by community supervision and corrections departments and to the preparation of commitment reduction plans by those departments.

(viva voce vote) (31-0) (31-0)

SB 1058 (Nichols)

Relating to the transfer of certain state property from the Department of Aging and Disability Services to the Angelina and Neches River Authority.

(viva voce vote) (31-0) (31-0)

CSSB 1081 (Van de Putte)

Relating to the dispensing of pharmaceuticals with an aesthetic purpose by physicians and therapeutic optometrists.

(viva voce vote) (31-0) (31-0)

SB 1096 (Rodriguez)

Relating to the designation of State Highway 20 as a historic highway.

(viva voce vote) (31-0) (31-0)

SB 1100 (Shapiro)

Relating to the designation of the Irving Diamond Interchange.

(viva voce vote) (31-0) (31-0)

SB 1103 (Carona)

Relating to the venue for prosecution of certain theft offenses.

(viva voce vote) (31-0) (31-0)

CSSB 1125 (Carona)

Relating to energy efficiency goals and programs and the participation of loads in certain energy markets.

(viva voce vote) (31-0) (31-0)

CSSB 1130 (Hegar)

Relating to the exception from required public disclosure of certain records of an appraisal district.

(viva voce vote) (31-0) (31-0)

(Senator Birdwell in Chair)**CSSB 1168** (Carona)

Relating to the repeal of the certification process for personnel service owners and the regulation of personnel services.

(viva voce vote) (31-0) (31-0)

CSSB 1169 (Carona)

Relating to the regulation of providers, administrators, and sellers of service contracts and identity recovery service contracts; providing penalties.

(viva voce vote) (31-0) (31-0)

CSSB 1178 (Nelson)

Relating to the regulation of certain shelter day-care facilities, child-care facilities, and individuals providing child-care services, and access to certain criminal history record information; providing an administrative penalty.

(viva voce vote) (31-0) (31-0)

SB 1229 (Eltife)

Relating to the registration with the Texas Department of Insurance of certain contract examiners.

(viva voce vote) (31-0) (31-0)

CSSB 1233 (West)

Relating to the promotion of efficiencies in and the administration of certain county services and functions.

(viva voce vote) (31-0) (31-0)

CSSB 1243 (West)

Relating to the use of a county risk management pool by certain county and district officers instead of the execution of bonds and to the authority of certain counties and intergovernmental pools to require reimbursement for punitive damage coverage.

(viva voce vote) (31-0) (31-0)

CSSB 1244 (Carona)

Relating to the licensing and regulation of air conditioning and refrigeration contractors and contracting companies; providing penalties.

(viva voce vote) (31-0) (31-0)

CSSB 1255 (Estes)

Relating to the employment of physicians by certain municipal hospital authorities.

(viva voce vote) (31-0) (31-0)

CSSB 1269 (Wentworth)

Relating to transportation, lodging, and meals offered to and accepted by public servants.

(viva voce vote) (31-0) (31-0)

SB 1271 (Duncan)

Relating to alternative dispute resolution systems established by counties.

(viva voce vote) (31-0) (31-0)

SB 1295 (Hegar)

Relating to the mining and reclamation of certain land previously affected by surface coal mining operations.

(viva voce vote) (31-0) (31-0)

SB 1303 (West)

Relating to nonsubstantive additions to and corrections in enacted codes, to the nonsubstantive codification or disposition of various laws omitted from enacted codes, and to conforming codifications enacted by the 81st Legislature to other Acts of that legislature.

(viva voce vote) (31-0) (31-0)

SB 1311 (Lucio)

Relating to the designation of certain highways as part of the Purple Heart Trail.
(viva voce vote) (31-0) (31-0)

CSSB 1400 (Patrick)

Relating to the regulation of certain private security companies and occupations.
(viva voce vote) (31-0) (31-0)

CSSB 1410 (Duncan)

Relating to reporting student enrollment in tech-prep programs and evaluating tech-prep consortia.
(viva voce vote) (31-0) (31-0)

SB 1413 (Hegar)

Relating to the authority of certain counties to impose a county hotel occupancy tax and to the rate of the tax.
(viva voce vote) (31-0) (31-0)

(Senator Eltife in Chair)**SB 1433** (Carona)

Relating to insurer receivership.
(viva voce vote) (31-0) (31-0)

CSSB 1442 (Shapiro)

Relating to the application requirements for a local project permit.
(viva voce vote) (31-0) (31-0)

CSSB 1477 (Hegar)

Relating to differential pay and benefits for certain officers and employees of emergency services districts who are members of the armed forces.
(viva voce vote) (31-0) (31-0)

SB 1480 (Hegar)

Relating to the regulation of exotic aquatic species by the Parks and Wildlife Department; providing penalties.
(viva voce vote) (31-0) (31-0)

SB 1494 (Uresti)

Relating to reporting to the Texas Judicial Council the election or appointment of certain municipal officers.
(viva voce vote) (31-0) (31-0)

CSSB 1496 (Uresti)

Relating to the scope and validity of correction instruments in the conveyance of real property.
(viva voce vote) (31-0) (31-0)

SB 1521 (Uresti)

Relating to the distribution of money appropriated from a municipal court building security fund.
(viva voce vote) (31-0) (31-0)

SB 1598 (Carona)

Relating to the inspection of portable fire extinguishers.

(viva voce vote) (31-0) (31-0)

SB 1600 (Whitmire)

Relating to the registration of peace officers as private security officers.

(viva voce vote) (31-0) (31-0)

CSSB 1655 (Watson)

Relating to transparency and propagation of information regarding personal automobile and residential property insurance rates, policies, and complaints.

(viva voce vote) (31-0) (31-0)

CSSB 1660 (Lucio)

Relating to certain unclaimed property of veterans and veterans' families.

(viva voce vote) (31-0) (31-0)

SB 1692 (Lucio)

Relating to municipal and county budgets on the Internet.

(viva voce vote) (31-0) (31-0)

CSSB 1732 (Van de Putte)

Relating to authorizing the adjutant general to operate post exchanges on state military property.

(viva voce vote) (31-0) (31-0)

SB 1736 (Van de Putte)

Relating to the establishment of the College Credit for Heroes program.

(viva voce vote) (31-0) (31-0)

(Senator Birdwell in Chair)

SB 1744 (Eltife)

Relating to the certification of a certified capital company.

(viva voce vote) (31-0) (31-0)

(Senator Eltife in Chair)

SB 1752 (Uresti)

Relating to confidentiality of certain Class C misdemeanor records related to the conviction of a child.

(viva voce vote) (31-0) (31-0)

CSSB 1788 (Patrick)

Relating to the development of a model individualized education program form by the Texas Education Agency.

(viva voce vote) (31-0) (31-0)

CSSB 1810 (Carona)

Relating to the exemption of certain retirement accounts from access by creditors.

(viva voce vote) (31-0) (31-0)

SB 1831 (Wentworth)

Relating to the designation of the El Camino Real de los Tejas National Historic Trail as a historic highway.

(viva voce vote) (31-0) (31-0)

**BILL REMOVED FROM
LOCAL AND UNCONTESTED CALENDAR**

Senator Van de Putte, author of the bill, requested in writing that **SB 1099** be removed from the Local and Uncontested Calendar.

AT EASE

The Presiding Officer at 8:41 a.m. announced the Senate would stand At Ease subject to the call of the Chair.

IN LEGISLATIVE SESSION

Senator Eltife at 1:19 p.m. called the Senate to order as In Legislative Session.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 1:20 p.m. adjourned, in memory of Nicolis Terrel Williams and Charles Wren, until 11:00 a.m. Tuesday, April 26, 2011.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Secretary of the Senate in the order listed:

April 21, 2011

ECONOMIC DEVELOPMENT — **SB 627**

HEALTH AND HUMAN SERVICES — **CSSB 1206, CSSB 546, SB 1022, SB 1438**

STATE AFFAIRS — **SB 1302, SB 1443, SB 1560, SB 1668, SB 1669**

FINANCE — **SJR 4, CSSB 1798**

CRIMINAL JUSTICE — **SB 682, SB 1209, SB 1208, SB 1117, SB 1066, SB 955, SB 568, SB 954**

HEALTH AND HUMAN SERVICES — **CSSB 506, CSSB 848**

EDUCATION — **CSSB 1543**

FINANCE — **CSHB 1**

BILLS ENGROSSEDApril 20, 2011

SB 89, SB 208, SB 220, SB 434, SB 511, SB 601, SB 635, SB 636, SB 660, SB 838, SB 1000, SB 1014, SB 1216, SB 1281, SB 1291, SB 1331, SB 1353, SB 1368, SB 1378, SB 1393, SB 1434, SB 1766

RESOLUTIONS ENROLLEDApril 20, 2011

SR 626, SR 746, SR 797, SR 799, SR 813, SR 814, SR 815, SR 816, SR 817, SR 818, SR 819, SR 820

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FORTY-SEVENTH DAY

(Tuesday, April 26, 2011)

The Senate met at 11:08 a.m. pursuant to adjournment and was called to order by President Pro Tempore Ogden.

The roll was called and the following Senators were present: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

The President Pro Tempore announced that a quorum of the Senate was present.

Pastor Don Olson, Brushy Creek Church, Cedar Park, was introduced by Senator Eltife and offered the invocation as follows:

Father God, as we stand before You today, we are in awe of the many blessings that You continue to pour out on our leaders, our communities, our state, and our nation. We ask for Your peace and protection for the good people of Texas as this drought persists in many places. Many people have suffered great loss. We ask of You for rain. We ask for the drought to be broken and the heavens to open up with Your outpouring. Father God, send the rain. We turn our faces towards You. Send the rain. As we begin another day of the work of the State of Texas, we realize that in this life we are the possessors of nothing but the stewards of everything. And all that we do have is directly because of You. You have graced us with many blessings to carry out the peace, protection, and provision of the people that we serve. Therefore, we pray for Your wisdom and favor on these servants of the Texas Senate. Guide them in the necessary decisions that need to be made for the benefits of the people of this great State of Texas. We pray that the choices that they make will be reflections of Your heart and will. Today, as we press forward with state decisions and issues, we appreciate the servants that You have placed over us. God bless Governor Perry and the Members of the Texas Senate. God bless all the men and women in military uniform around the world. And God bless the citizens of the State of Texas. And God bless Texas. Lord God, we consider it an honor to serve Your people. In the name of my lord and savior, Jesus Christ. Amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of the previous day be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Tuesday, April 26, 2011 - 1

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

- HB 3** Thompson
Relating to the imposition of a sentence of life without parole on certain defendants who commit certain sexual offenses.
- HB 5** Kolkhorst
Relating to the Interstate Health Care Compact.
- HB 34** Branch
Relating to including in the public high school curriculum instruction in methods of paying for postsecondary education and training.
- HB 91** Cook
Relating to the extent of extraterritorial jurisdiction for certain municipalities.
- HB 157** Raymond
Relating to the filing of an application for a place on the general primary election ballot.
- HB 240** Parker
Relating to requiring the Texas Commission on Environmental Quality to adopt rules preventing accidental or unintentional access to on-site sewage disposal systems.
- HB 260** Hilderbran
Relating to the prosecution and punishment of unlawful transport of a person.
- HB 268** Hilderbran
Relating to the exemption from sales and use taxes, including the motor vehicle sales and use tax, for timber and certain items used on a farm, ranch, or timber operation.
- HB 384** Menendez
Relating to the proper identification of boats and outboard motors; creating an offense.
- HB 385** Menendez
Relating to the punishment for theft and certain fraud offenses committed against a disabled individual.

- HB 438** Thompson
Relating to health benefit plan coverage for orally administered anticancer medications.
- HB 470** Anderson, Charles "Doc"
Relating to the addition of Salvia divinorum and its derivatives and extracts to Penalty Group 3 of the Texas Controlled Substances Act.
- HB 559** Sheffield
Relating to Bronze Star Medal and Bronze Star Medal with Valor specialty license plates.
- HB 602** Farrar
Relating to authorizing certain brewers and manufacturers to conduct tours of their premises after which beer or ale is provided to ultimate consumers for off-premises consumption.
- HB 649** Gallego
Relating to the issuance and duration of certain protective orders for victims of sexual assault.
- HB 663** Kleinschmidt
Relating to procedures for amending restrictions governing certain residential subdivisions.
- HB 692** Farias
Relating to high school graduation requirements for a student who is unable to participate in physical activity due to disability or illness.
- HB 772** Riddle
Relating to the applicability of certain laws to certain sex offenders.
- HB 787** Kuempel
Relating to abandoned, wrecked, dismantled, discarded, and inoperable aircraft and vessels.
- HB 896** Howard, Charlie
Relating to auxiliary members of an appraisal review board.
- HB 938** Smithee
Relating to the issuance of specialty license plates for women veterans.
- HB 1053** Patrick, Diane
Relating to the tuition exemption offered by public institutions of higher education to firefighters enrolled in certain courses.
- HB 1070** Scott
Relating to the taking of a defendant's bail bond by county jailers.
- HB 1137** Darby
Relating to the transmission of records regarding over-the-counter sales of ephedrine, pseudoephedrine, and norpseudoephedrine and a person's civil liability for certain acts arising from the sale of those products.

- HB 1162** Bonnen
Relating to the provision of notice to vacate to certain commercial tenants in an eviction suit.
- HB 1163** Keffer
Relating to tuition and fee exemptions at public institutions of higher education for certain peace officers and firefighters.
- HB 1174** Workman
Relating to the expiration of a county burn ban.
- HB 1179** Flynn
Relating to certification requirements for certain property tax professionals.
- HB 1207** Davis, Sarah
Relating to adoption of the Uniform Child Abduction Prevention Act.
- HB 1381** Madden
Relating to the service of civil process on an inmate of the Texas Department of Criminal Justice.
- HB 1486** Gutierrez
Relating to signs posted under the memorial sign program for victims of certain vehicle accidents.
- HB 1541** McClendon
Relating to the prevention of automobile burglary and theft.
- HB 1601** Price
Relating to consecutive sentences for certain offenses involving injury to a child, an elderly individual, or a disabled individual and arising out of the same criminal episode.
- HB 1633** Bonnen
Relating to a person's ability to read and write in English as a qualification for service as a petit juror.
- HB 1658** Davis, Yvonne
Relating to the refund of a cash bond to a defendant in a criminal case.
- HB 1682** Weber
Relating to prohibiting school districts from requiring or coercing school district employees to make charitable contributions.
- HB 1754** Gallego
Relating to the reorganization of powers and duties among agencies in this state that provide representation to indigent defendants in criminal cases and to the reorganization of funding sources for indigent defense.
- HB 1795** Aliseda
Relating to permits issued for moving certain oil well servicing or drilling machinery.
- HB 1822** Harless
Relating to the withdrawal of security by a bail bond surety.

- HB 1854** Rodriguez, Eddie
Relating to certain arrangements to provide care for a child during an investigation of abuse or neglect.
- HB 1859** Hochberg
Relating to the applicability of architectural barrier standards.
- HB 1862** Anchia
Relating to a tenant's remedies regarding a local government's revocation of a certificate of occupancy due to a landlord's failure to maintain the premises.
- HB 1887** Villarreal
Relating to the procedures for property tax protests and appeals.
- HB 1907** Madden
Relating to notification requirements concerning offenses committed by students and school district discretion over admission or placement of certain students.
- HB 1964** Villarreal
Relating to discharging fines and costs assessed against certain juvenile defendants through community service.
- HB 2017** McClendon
Relating to the organization, governance, duties, and functions of the Texas Department of Motor Vehicles.
- HB 2040** Hamilton
Relating to critical incident stress management and crisis response services.
- HB 2138** Guillen
Relating to the search for and rescue of victims of water-oriented accidents.
- HB 2139** Guillen
Relating to the establishment of an Adopt-A-Library program and state employee charitable contributions to the program.
- HB 2170** Raymond
Relating to assisting a foster child in obtaining the child's credit report.
- HB 2315** Coleman
Relating to a county's general revenue levy for indigent health care.
- HB 2325** McClendon
Relating to the competitive bidding and notice requirements for contracts of certain mass transportation authorities.
- HB 2337** Gallego
Relating to the admissibility of certain statements made by a child in a juvenile justice or criminal proceeding.
- HB 2354** Madden
Relating to the installation and use of a pen register, ESN reader, trap and trace device, mobile tracking device, or similar equipment in a correctional facility operated by or under contract with the Texas Department of Criminal Justice.
- HB 2457** Davis, John
Relating to the amendment of Texas Enterprise Fund grant agreements.

- HB 2468** Phillips
Relating to providing a patron of a pay-to-park or valet parking service with certain information; providing a civil penalty.
- HB 2469** Phillips
Relating to a memorial sign program for victims of motorcycle accidents.
- HB 2488** Scott
Relating to access to a child's medical records by the child's attorney ad litem, guardian ad litem, or amicus attorney.
- HB 2538** Vo
Relating to the confidentiality of certain identifying information regarding students of career schools or colleges and other educational entities; providing a criminal penalty.
- HB 2561** Eissler
Relating to the definition of "school year" for purposes of the Teacher Retirement System of Texas.
- HB 2600** Ritter
Relating to the records and reports required for purposes of the taxes imposed on cigars and other tobacco products.
- HB 2619** Callegari
Relating to emergency preparedness information about water facilities.
- HB 2632** Driver
Relating to access to the criminal history record information of certain persons by the Texas Facilities Commission.
- HB 2662** Hochberg
Relating to child abduction.
- HB 2680** King, Tracy O.
Relating to the procedure for certain small local exchange companies to propose to offer certain services or to make a minor change in a rate or tariff.
- HB 2694** Smith, Wayne
Relating to the continuation and functions of the Texas Commission on Environmental Quality and abolishing the On-site Wastewater Treatment Research Council.
- HB 2717** Darby
Relating to the duties and responsibilities of certain county officials and the functions of county government.
- HB 2734** Madden
Relating to certain mandatory conditions of parole or mandatory supervision for illegal criminal aliens and the revocation of parole or mandatory supervision as a result of violating those conditions.
- HB 2779** Bohac
Relating to provisions in the dedicatory instruments of property owners' associations regarding display of flags.

- HB 2806** Phillips
Relating to the marketing, hosting, and sale of specialty and personalized license plates.
- HB 2857** Gallego
Relating to regulation of outdoor lighting in certain areas; providing a criminal penalty and for injunctive relief.
- HB 2870** Harper-Brown
Relating to the elimination of certain required reports prepared by state agencies and institutions of higher education.
- HB 2908** Branch
Relating to providing graduate medical education positions for Texas medical school graduates.
- HB 2910** Branch
Relating to agreements between the Texas Higher Education Coordinating Board and certain organizations for increasing degree completion rates.
- HB 2959** Price
Relating to the required transfer of records to a new county chair of a political party; providing a penalty.
- HB 2991** Deshotel
Relating to a determination of the reasonable relation of certain transactions to particular jurisdictions.
- HB 3004** Nash
Relating to prepaid funeral benefits contracts and the prepaid funeral contract guaranty fund.
- HB 3065** Sheffield
Relating to the requirement that certain food service establishments post a sign depicting the Heimlich maneuver.
- HB 3141** Hartnett
Relating to the registration and protection of trademarks.
- HB 3234** Hernandez Luna
Relating to the prioritization of requests to release certain case records maintained by the Department of Family and Protective Services.
- HB 3302** Reynolds
Relating to the authority of certain Type A economic development corporations to undertake certain categories of projects.
- HB 3314** Carter
Relating to a requirement that an attorney ad litem appointed for a child file a statement with the court regarding the attorney ad litem's meeting with the child or other specified person.
- HB 3336** Coleman
Relating to information regarding pertussis for parents of newborn children.

- HB 3372** King, Tracy O.
Relating to standards for a structure that is connected to a public water supply system and has a rainwater harvesting system.
- HB 3389** Workman
Relating to a seller's disclosure of natural or liquid propane gas on residential real property.
- HB 3404** Naishtat
Relating to establishing a child care advisory committee to advise the Texas Facilities Commission.
- HB 3510** Hamilton
Relating to the regulation of the towing, booting, and storage of vehicles.
- HB 3577** Gonzales, Larry
Relating to eligibility requirements for the Texas Educational Opportunity Grant.
- HB 3726** Guillen
Relating to the private entity granted care and custody of the Alamo.
- HCR 103** Aliseda
In memory of U.S. Marine Corps Sergeant Jose Luis Saenz III of Pleasanton.
- HCR 104** Frullo
Congratulating Dr. Kitty Harris Wilkes on her selection as a 2011 YWCA of Lubbock Woman of Excellence.
- HCR 105** Frullo
Congratulating Beth Lawson on her selection as a 2011 YWCA of Lubbock Woman of Excellence.
- HCR 106** Frullo
Congratulating Aimee Doane on being named a 2011 Lubbock YWCA Woman of Excellence.
- HCR 107** Frullo
Congratulating Dr. Kamlesh Varma on her selection as a 2011 YWCA of Lubbock Woman of Excellence.
- HCR 108** Frullo
Congratulating Dr. Kelly Overlay on her selection as a 2011 Woman of Excellence by the YWCA of Lubbock.
- HCR 109** Workman
Recognizing the Junior Marine Corps of Bedichek Middle School in Austin.
- HCR 111** Frullo
Congratulating Yvonne Racz Key on her selection as a 2011 YWCA of Lubbock Woman of Excellence.
- HCR 112** Frullo
Congratulating Sarah Jo Lambert on her selection as a 2011 YWCA of Lubbock Woman of Excellence.

- HCR 115** Smith, Wayne
Honoring the Battleship Texas Foundation for its work to preserve the historic battleship.
- HCR 116** Davis, John
In memory of the Reverend Clinton Roderick Dobson of Arlington.
- HCR 119** Davis, John
Congratulating James Alford Davis on being named the 2011 Citizen of the Year by the Menard County Chamber of Commerce.
- HCR 131** Davis, John
In memory of Howard Victor Reed of Austin.
- HCR 132** Davis, John
Honoring the Texas State Association of Parliamentarians on the occasion of their annual convention.
- HCR 137** Craddick
Designating April 2011 as Parkinson's Awareness Month.
- SB 28** Zaffirini Sponsor: Branch
Relating to eligibility for a TEXAS grant and to administration of the TEXAS grant program.
(Amended)
- SB 85** Nelson Sponsor: Solomons
Relating to the duties of the county tax assessor-collector and voter registrar regarding exemptions from jury service.
- SB 313** Seliger Sponsor: Price
Relating to priority groundwater management areas.
(Amended)
- SB 323** Carona Sponsor: Elkins
Relating to the applicability of certain laws governing corporations to limited liability companies.
- SB 439** Van de Putte Sponsor: Sheets
Relating to an exclusion from unemployment compensation chargebacks for certain employers of uniformed service members.
- SB 527** Fraser Sponsor: Geren
Relating to projects funded through the Texas emissions reduction plan.
- SB 539** Carona Sponsor: Kleinschmidt
Relating to the award of costs and attorney's fees in certain proceedings concerning mechanic's, contractor's, or materialman's liens.
(Amended)
- SB 638** Jackson Sponsor: Murphy
Relating to the computation of a surplus credit for certain successor employing units.
- SB 782** Carona Sponsor: Deshotel
Relating to uniform law on secured transactions.
(Amended)

SB 1226 Hegar Sponsor: Callegari
Relating to the ballot language for junior college district annexation elections.

SB 1846 Lucio Sponsor: Lewis
Relating to organizations that are covered by the Charitable Immunity and Liability Act of 1987.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

SENATE RESOLUTION 750

Senator Watson offered the following resolution:

SR 750, Recognizing Boy Scout Troop 1 in Austin on the occasion of its 100th anniversary.

The resolution was again read.

The resolution was previously adopted on Tuesday, April 12, 2011.

GUESTS PRESENTED

Senator Watson was recognized and introduced to the Senate a delegation from Boy Scout Troop 1: Kuruvila Mani, Scoutmaster; Thomas Bizzell, Assistant Scoutmaster; Dan Wight, Troop Committee Chair, and his wife, Gail; Elizabeth Gintella, Advancement Chair; accompanied by the following Boy Scouts: Joshua Mireles, Stephen Gintella, Timothy Gintella, and Trenton Wight.

The Senate welcomed its guests.

NOMINATION RETURNED

On motion of Senator Deuell and by unanimous consent, the Senate agreed to grant the request of the Governor to return the following nomination:

Member, Oversight Committee, Cancer Prevention and Research Institute of Texas: Joyce Faye Richardson King, Collin County.

PHYSICIAN OF THE DAY

Senator Fraser was recognized and presented Dr. Jeffrey Edwards of Stephenville as the Physician of the Day.

The Senate welcomed Dr. Edwards and thanked him for his participation in the Physician of the Day program sponsored by the Texas Academy of Family Physicians.

GUESTS PRESENTED

Senator Birdwell was recognized and introduced to the Senate a Bosqueville ISD delegation, accompanied by Superintendent James Hopper.

The Senate welcomed its guests.

MESSAGES FROM THE GOVERNOR

The following Messages from the Governor were read and were referred to the Committee on Nominations:

April 26, 2011
Austin, Texas

TO THE SENATE OF THE EIGHTY-SECOND LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be members of the Texas Health Services Authority Corporation for terms to expire June 15, 2011:

Frederick J. Buckwold
Houston, Texas
(Dr. Buckwold is being reappointed)

Matthew J. Hamlin
Argyle, Texas
(Mr. Hamlin is being reappointed)

James L. Martin
Austin, Texas
(replacing Donna Montemayor of San Antonio whose term expired)

William A. Phillips, Jr.
San Antonio, Texas
(replacing Raymond Davis of El Paso whose term expired)

Jennifer L. Rangel
Austin, Texas
(replacing Alesha Adamson of San Antonio whose term expired)

To be members of the Texas Military Preparedness Commission for terms to expire February 1, 2017:

Thomas C. Duncavage
League City, Texas
(replacing Eugene Tulich of Spring whose term expired)

Arthur R. Emerson
San Antonio, Texas
(Mr. Emerson is being reappointed)

Woody F. Gilliland
Abilene, Texas
(replacing Samuel Neal, Jr. of Corpus Christi whose term expired)

Karen S. Rankin
San Antonio, Texas
(replacing Howard Ham, Jr. of San Antonio whose term expired)

A. F. "Tom" Thomas, Jr.
El Paso, Texas
(Mr. Thomas is being reappointed)

To be members of the Task Force on Indigent Defense for terms to expire February 1, 2013:

Anthony C. Odiorne
Amarillo, Texas

Olen Underwood
Willis, Texas

The individuals listed above are being reappointed.

To be a member of the Council on Sex Offender Treatment for a term to expire February 1, 2013:

Louis Gonzales, III
Round Rock, Texas

Mr. Gonzales is replacing Alida Hernandez of McAllen who is deceased.

To be members of the Coastal Water Authority Board of Directors for terms to expire April 1, 2013:

Douglas E. Walker
Beach City, Texas

Zebulun Nash
Houston, Texas

The individuals listed above are being reappointed.

To be members of the Texas Board for Occupational Therapy Examiners for terms to expire as indicated:

To Expire February 1, 2015:

William N. Hale

Austin, Texas

(replacing Dely De Guia Cruz of Houston whose term expired)

To Expire February 1, 2017:

DeLana Honaker

Amarillo, Texas

(Dr. Honaker is being reappointed)

Stephanie Johnston

Magnolia, Texas

(Ms. Johnston is being reappointed)

Pamela D. Nelon

Fort Worth, Texas

(Ms. Nelon is being reappointed)

To be members of the Texas State Board of Orthotics and Prosthetics for terms to expire February 1, 2017:

Rebecca Hill Brou

Rockport, Texas

(Ms. Brou is being reappointed)

David R. Kercheval

Grandview, Texas

(replacing James Wendlandt of Austin whose term expired)

To be members of the Texas Department of Rural Affairs for terms to expire February 1, 2017:

N. Remelle Farrar
Crowell, Texas

Bryan Tucker
Childress, Texas

Patrick L. Wallace
Athens, Texas

The individuals listed above are being reappointed.

Respectfully submitted,

/s/Rick Perry
Governor

April 26, 2011
Austin, Texas

TO THE SENATE OF THE EIGHTY-SECOND LEGISLATURE, REGULAR SESSION:

On January 19, 2011, I submitted the name of Carol Frost Treadway for appointment to the State Employee Charitable Campaign Policy Committee for a term to expire January 1, 2012.

Because she resigned, I hereby withdraw her nomination and request that the Senate return the appointment to me.

Respectfully submitted,

/s/Rick Perry
Governor

INTRODUCTION OF BILLS AND RESOLUTIONS POSTPONED

The President Pro Tempore announced that the introduction of bills and resolutions on first reading would be postponed until the end of today's session.

There was no objection.

CONCLUSION OF MORNING CALL

The President Pro Tempore at 11:25 a.m. announced the conclusion of morning call.

COMMITTEE SUBSTITUTE SENATE BILL 224 ON SECOND READING

On motion of Senator Nelson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 224** at this time on its second reading:

CSSB 224, Relating to a program to recognize public schools with successful student health and fitness programs.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 224 ON THIRD READING**

Senator Nelson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 224** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 224**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 224** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 963 ON SECOND READING

Senator Uresti moved to suspend the regular order of business to take up for consideration **SB 963** at this time on its second reading:

SB 963, Relating to certification of a person as eligible for disabled parking privileges.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

The bill was read second time and was passed to engrossment by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

SENATE BILL 963 ON THIRD READING

Senator Uresti moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 963** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 963**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 963** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

SENATE BILL 1662 ON SECOND READING

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1662** at this time on its second reading:

SB 1662, Relating to the payment of costs associated with certain educational programs of Prairie View A&M University.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 1662 ON THIRD READING

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1662** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 1662**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 1662** would

have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

GUESTS PRESENTED

Senator Patrick was recognized and introduced to the Senate a delegation of representatives from Texas pregnancy care centers.

The Senate welcomed its guests.

COMMITTEE SUBSTITUTE SENATE BILL 205 ON SECOND READING

Senator Whitmire moved to suspend the regular order of business to take up for consideration **CSSB 205** at this time on its second reading:

CSSB 205, Relating to school district policies to prohibit bullying, cyberbullying, harassment, and intimidation.

The motion prevailed.

Senators Birdwell and Nelson asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Birdwell, Nelson.

COMMITTEE SUBSTITUTE SENATE BILL 205 ON THIRD READING

Senator Whitmire moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 205** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 3.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Nelson, Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 205**, because in my judgment no circumstance exists in this case to justify the

extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 205** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Nelson.

**COMMITTEE SUBSTITUTE
SENATE BILL 518 ON SECOND READING**

On motion of Senator Shapiro and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 518** at this time on its second reading:

CSSB 518, Relating to initiatives designed to improve performance of public school students, including initiatives specifically for students enrolled at the sixth, seventh, and eighth grade levels.

The bill was read second time.

Senator Watson offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 518** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS appropriately:

(1) SECTION _____. Section 42.152(c-1), Education Code, is amended to read as follows:

(c-1) Notwithstanding Subsection (c), funds allocated under this section may be used to fund in proportion to the percentage of students served by the program that meet the criteria in Section 29.081(d) or (g):

(1) an accelerated reading instruction program under Section 28.006(g); [✕]

(2) a program for treatment of students who have dyslexia or a related disorder as required by Section 38.003; or

(3) an extended learning time program grounded in practices that are proven effective in improving student retention and performance, and preparing students for future college and career readiness

(2) SECTION _____. Section 29.081(d), Education Code, is amended to read as follows:

(d) For purposes of this section, "student at risk of dropping out of school" includes each student who is under 21 years of age and who:

(1) was not advanced from one grade level to the next for one or more school years;

(2) if the student is in grade 6, 7, 8, 9, 10, 11, or 12, did not maintain an average equivalent to 70 on a scale of 100 in two or more subjects in the foundation curriculum during a semester in the preceding or current school year or is not maintaining such an average in two or more subjects in the foundation curriculum in the current semester;

(3) did not perform satisfactorily on an assessment instrument administered to the student under Subchapter B, Chapter 39, and who has not in the previous or current school year subsequently performed on that instrument or another appropriate instrument at a level equal to at least 110 percent of the level of satisfactory performance on that instrument;

(4) if the student is in prekindergarten, kindergarten, or grade 1, 2, or 3, did not perform satisfactorily on a readiness test or assessment instrument administered during the current school year;

(5) is pregnant or is a parent;

(6) has been placed in an alternative education program in accordance with Section 37.006 during the preceding or current school year;

(7) has been expelled in accordance with Section 37.007 during the preceding or current school year;

(8) is currently on parole, probation, deferred prosecution, or other conditional release;

(9) was previously reported through the Public Education Information Management System (PEIMS) to have dropped out of school;

(10) is a student of limited English proficiency, as defined by Section 29.052;

(11) is in the custody or care of the Department of Protective and Regulatory Services or has, during the current school year, been referred to the department by a school official, officer of the juvenile court, or law enforcement official;

(12) is homeless, as defined by 42 U.S.C. Section 11302, and its subsequent amendments; or

(13) resided in the preceding school year or resides in the current school year in a residential placement facility in the district, including a detention facility, substance abuse treatment facility, emergency shelter, psychiatric hospital, halfway house, or foster group home.

The amendment to **CSSB 518** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Shapiro and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 518 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 518 ON THIRD READING**

Senator Shapiro moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 518** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 518**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 518** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1717 ON SECOND READING**

Senator Duncan moved to suspend the regular order of business to take up for consideration **CSSB 1717** at this time on its second reading:

CSSB 1717, Relating to the operation and administration of the judicial branch of state government.

The motion prevailed.

Senator Birdwell asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Duncan offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1717** as follows:

(1) In Article 4 of the bill, in SECTION 4.01(c) (page 17, line 6), strike "August 31, 2012" and substitute "December 31, 2012".

(2) In Article 4 of the bill, in SECTION 4.07 (page 17, line 60), strike "January 1, 2013" and substitute "May 1, 2013".

(3) In Article 4 of the bill, in SECTION 4.09 (page 18, line 14), strike "January 1, 2013" and substitute "May 1, 2013".

(4) In Article 6 of the bill, in SECTION 6.05(a) (page 41, line 16), strike "November 1, 2011" and substitute "March 1, 2012".

(5) In Article 6 of the bill, in SECTION 6.05(b)(2) (page 41, lines 21 through 22), strike "January 1, 2012" and substitute "May 1, 2012".

(6) In Article 6 of the bill, in SECTION 6.06 (page 41, line 24), strike "January 1, 2012" and substitute "May 1, 2012".

(7) In Article 8 of the bill, in SECTION 8.02(b) (page 42, line 16), strike "September 1, 2012" and substitute "January 1, 2013".

(8) In Article 9 of the bill, in SECTION 9.02 (page 42, line 32), strike "September 1, 2011" and substitute "January 1, 2012".

The amendment to **CSSB 1717** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Duncan and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1717 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Birdwell.

COMMITTEE SUBSTITUTE SENATE BILL 1717 ON THIRD READING

Senator Duncan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1717** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1717**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The

suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1717** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1.

Nays: Birdwell.

COMMITTEE SUBSTITUTE SENATE BILL 877 ON SECOND READING

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 877** at this time on its second reading:

CSSB 877, Relating to a verification of the incarceration of an accused person in a criminal case for the purpose of discharging a surety's liability on a bail bond.

The bill was read second time.

Senator Nichols offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 877** (senate committee printing) in 1 SECTION 1 of the bill as follows:

(1) In amended Article 17.16(a)(2), Code of Criminal Procedure (page 1, line 23), between "pending" and "an affidavit", insert "and to the office of the prosecuting attorney".

The amendment to **CSSB 877** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Hinojosa and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 877 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 877 ON THIRD READING

Senator Hinojosa moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 877** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 877**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 877** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1296 ON SECOND READING

On motion of Senator Hegar and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1296** at this time on its second reading:

SB 1296, Relating to the use of proceeds of bonds and other financial security filed with the Railroad Commission of Texas by certain persons under the jurisdiction of the commission and deposited in the oil-field cleanup fund.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 1296 ON THIRD READING

Senator Hegar moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1296** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 1296**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 1296** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1682 ON SECOND READING

Senator Ellis moved to suspend the regular order of business to take up for consideration **SB 1682** at this time on its second reading:

SB 1682, Relating to the creation of managed assigned counsel programs.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Rodriguez, Seliger, Shapiro, Urești, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Harris, Patrick.

The bill was read second time and was passed to engrossment by the following vote: Yeas 29, Nays 2. (Same as previous roll call)

SENATE BILL 1682 ON THIRD READING

Senator Ellis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1682** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 3.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Harris, Patrick, Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 1682**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 1682** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Harris, Patrick.

COMMITTEE SUBSTITUTE SENATE BILL 1693 ON SECOND READING

Senator Carona moved to suspend the regular order of business to take up for consideration **CSSB 1693** at this time on its second reading:

CSSB 1693, Relating to periodic rate adjustments by electric utilities.

The motion prevailed.

Senator Nichols asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Carona offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1693** (senate committee report) in SECTION 1 of the bill, in added Section 36.210(a), Utilities Code (page 1, line 37), between "costs" and "were", by inserting "for invested capital described by this subsection".

The amendment to **CSSB 1693** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Carona and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1693 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Nichols.

COMMITTEE SUBSTITUTE SENATE BILL 1693 ON THIRD READING

Senator Carona moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1693** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Nichols, Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1693**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1693** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1.

Nays: Nichols.

**COMMITTEE SUBSTITUTE
SENATE BILL 573 ON SECOND READING**

Senator Nichols moved to suspend the regular order of business to take up for consideration **CSSB 573** at this time on its second reading:

CSSB 573, Relating to certificates of public convenience and necessity for water or sewer services.

The motion prevailed by the following vote: Yeas 28, Nays 3.

Yeas: Birdwell, Carona, Davis, Deuell, Ellis, Eltife, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Duncan, Estes, Lucio.

The bill was read second time and was passed to engrossment by the following vote: Yeas 26, Nays 5.

Yeas: Birdwell, Carona, Davis, Ellis, Eltife, Fraser, Gallegos, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Deuell, Duncan, Estes, Hinojosa, Lucio.

**COMMITTEE SUBSTITUTE
SENATE BILL 573 ON THIRD READING**

Senator Nichols moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 573** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 4.

Yeas: Birdwell, Carona, Davis, Deuell, Ellis, Eltife, Fraser, Gallegos, Harris, Hegar, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Duncan, Estes, Hinojosa, Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 573**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 573** would have occurred on the next legislative day, allowing for Texans to have learned through

news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 26, Nays 5.

Yeas: Birdwell, Carona, Davis, Ellis, Eltife, Fraser, Gallegos, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Deuell, Duncan, Estes, Hinojosa, Lucio.

REMARKS ORDERED PRINTED

On motion of Senator Nichols and by unanimous consent, his remarks regarding **CSSB 573** were ordered reduced to writing and printed in the *Senate Journal* as follows:

Chapter 13 of the Water Code provides a landowner may petition TCEQ to be released from a certificate of convenience and necessity if the CCN holder is not providing service. CCNs are permits to allow the holder to be exclusive, provide a water and wastewater services to a geographic area. This exclusive right is granted as an incentive to provide water services, having the rights to a CCN is a state-granted monopoly and should come with responsibilities. However, the current process to be released from a CCN is cumbersome and costly for both the CCN holder and the landowner. It is a disincentive for developers to buy and develop land within a CCN because of the cost to be released or the fear of not being released from a nonserving CCN. Committee Substitute to SB 573 updates current process and makes it clear that if a landowner of 25 acres or more is not receiving water or wastewater, they may petition the TCEQ to be released from the CCN. Committee Substitute to SB 573 maintains the provision, TCEQ may not deny a petition to be released based on the fact certificate holders that borrow under federal loan program, but they would have to pay the appropriate expenses to be released. Committee Substitute to SB 573 only applies to counties of one million or more, their adjacent counties in Smith County, but does not apply to municipal CCNs and cities with a population of 500,000 or more. I have been asked by some interested parties in my district whether this bill would adversely affect the rights of CCN holders who have existing contracts to provide water service with landowners owning 25 acres of land or more. My answer is that the question is emphatically in the negative. It is neither the intent of Senate Bill 573 to impact existing CCN holders who have existing contract rights, when landowners of tracts of land containing 25 acres or more. I wish to set the record clear on the facts. Senate Bill 573 does not impair the rights of CCN holders to provide service to tracts of land subject to existing contract service contract.

(Senator Eltife in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 1489 ON SECOND READING**

Senator Whitmire moved to suspend the regular order of business to take up for consideration **CSSB 1489** at this time on its second reading:

CSSB 1489, Relating to educational, juvenile justice, and criminal justice responses to truancy.

The motion prevailed by the following vote: Yeas 27, Nays 4.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Fraser, Gallegos, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Zaffirini.

Nays: Estes, Harris, Ogden, Williams.

The bill was read second time and was passed to engrossment by the following vote: Yeas 27, Nays 4. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 1489 ON THIRD READING**

Senator Whitmire moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1489** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 5.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Fraser, Gallegos, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

Nays: Estes, Harris, Ogden, Wentworth, Williams.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1489**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1489** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 27, Nays 4.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Fraser, Gallegos, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Zaffirini.

Nays: Estes, Harris, Ogden, Williams.

SENATE CONCURRENT RESOLUTION 48

The Presiding Officer laid before the Senate the following resolution:

WHEREAS, Senate Bill No. 785 has passed the Texas Senate and the Texas House of Representatives and is now in the office of the governor; and

WHEREAS, A clerical correction needs to be made in Senate Bill No. 785; now, therefore, be it

RESOLVED by the 82nd Legislature of the State of Texas, That the governor be hereby requested to return Senate Bill No. 785 to the senate for such clerical correction; and, be it further

RESOLVED, That the action of the President of the Senate and the Speaker of the House in signing Senate Bill No. 785 be declared null and void and that the two presiding officers be authorized to remove their signatures from the enrolled bill; and, be it further

RESOLVED, That the enrolling clerk of the senate be instructed to correct Senate Bill No. 785 as follows:

(1) In SECTION 2 of the bill, in added Subsection (e), Section 161.005, Family Code, strike "aware of the acts" and substitute "aware of the facts".

(2) In SECTION 2 of the bill, in added Subsection (e-1), Section 161.005, Family Code, strike "aware of the acts" and substitute "aware of the facts".

HARRIS

SCR 48 was read.

On motion of Senator Harris, the resolution was considered immediately and was adopted by the following vote: Yeas 31, Nays 0.

SENATE BILL 1024 ON SECOND READING

On motion of Senator Rodriguez and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1024** at this time on its second reading:

SB 1024, Relating to the prosecution of the offense of theft of service.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 1024 ON THIRD READING

Senator Rodriguez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1024** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 1024**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 1024** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

(President Pro Tempore Ogden in Chair)

COMMITTEE SUBSTITUTE SENATE BILL 718 ON SECOND READING

Senator Van de Putte moved to suspend the regular order of business to take up for consideration **CSSB 718** at this time on its second reading:

CSSB 718, Relating to disciplinary action taken against public school students on the basis of serious misbehavior.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Ogden.

The bill was read second time and was passed to engrossment by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

COMMITTEE SUBSTITUTE SENATE BILL 718 ON THIRD READING

Senator Van de Putte moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 718** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Ogden, Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 718**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 718** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1.

Nays: Ogden.

COMMITTEE SUBSTITUTE SENATE BILL 1656 ON SECOND READING

Senator Watson moved to suspend the regular order of business to take up for consideration **CSSB 1656** at this time on its second reading:

CSSB 1656, Relating to a prohibition on certain underwriting and rating actions based on consumer inquiries.

The motion prevailed.

Senator Patrick asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Patrick.

**COMMITTEE SUBSTITUTE
SENATE BILL 1656 ON THIRD READING**

Senator Watson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1656** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Patrick, Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1656**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1656** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1.

Nays: Patrick.

**COMMITTEE SUBSTITUTE
SENATE BILL 811 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 811** at this time on its second reading:

CSSB 811, Relating to the regulation of the practice of veterinary medicine.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 811 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 811** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 811**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 811** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 681 ON SECOND READING**

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 681** at this time on its second reading:

CSSB 681, Relating to the establishment of a task force to study the assessments of children in the child welfare system.

The bill was read second time.

Senator West offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 681** (senate committee report) as follows:

(1) In SECTION 1 of the bill, in added Section 40.074(b), Human Resources Code (page 1, line 45), strike "care; and" and substitute "care;".

(2) In SECTION 1 of the bill, in added Section 40.074(b), Human Resources Code (page 1, line 46), strike the period and substitute:

; and

(11) one member from the commission.

The amendment to **CSSB 681** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator West and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 681 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 681 ON THIRD READING**

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 681** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 681**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 681** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1872 ON SECOND READING**

On motion of Senator Van de Putte and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1872** at this time on its second reading:

CSSB 1872, Relating to revising, revoking, or denying renewal of charters of open-enrollment charter schools under certain circumstances.

The bill was read second time.

Senator Van de Putte offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1872** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in added Section 12.1141(a)(1), Education Code (page 1, line 19), between "(1)" and "the charter holder", insert "considering available data".

(2) In SECTION 1 of the bill, in added Section 12.1141(a)(1), Education Code (page 1, lines 23 and 24), strike "the agency ratings appeal process" and substitute "a process developed by the agency".

(3) In SECTION 1 of the bill, in added Section 12.1141(b), Education Code (page 1, line 42), between "(b)" and "The commissioner", insert "The commissioner may not approve a total of more than 10 additional charter schools under Subsection (a)".

(4) In SECTION 1 of the bill, in added Section 12.1141(b), Education Code (page 1, lines 43 and 44), strike "limit the number of additional charter schools approved under Subsection (a) or".

(5) In SECTION 2 of the bill, in added Section 12.1151(b)(1), Education Code (page 1, line 62), between "(1)" and "the charter holder", insert "considering available data".

(6) In SECTION 2 of the bill, in added Section 12.1151(b)(1), Education Code (page 2, lines 3-4), strike "the agency ratings appeal process" and substitute "a process developed by the agency".

The amendment to **CSSB 1872** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Van de Putte and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1872 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1872 ON THIRD READING**

Senator Van de Putte moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1872** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1872**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1872** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1522 ON SECOND READING

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1522** at this time on its second reading:

SB 1522, Relating to the entering of a plea in a criminal case by a defendant confined in a penal institution.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 1522 ON THIRD READING

Senator Hinojosa moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1522** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 1522**, because in my judgment no circumstance exists in this case to justify the

extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 1522** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE SENATE BILL 47 ON SECOND READING

Senator Zaffirini moved to suspend the regular order of business to take up for consideration **CSSB 47** at this time on its second reading:

CSSB 47, Relating to the pro re nata administration of psychoactive medications in certain residential health care facilities.

The motion prevailed by the following vote: Yeas 28, Nays 3.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Zaffirini.

Nays: Birdwell, Ogden, Williams.

The bill was read second time and was passed to engrossment by the following vote: Yeas 28, Nays 3. (Same as previous roll call)

COMMITTEE SUBSTITUTE SENATE BILL 47 ON THIRD READING

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 47** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 4.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

Nays: Birdwell, Ogden, Wentworth, Williams.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 47**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 47** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 28, Nays 3.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Zaffirini.

Nays: Birdwell, Ogden, Williams.

(Senator Eltife in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 1116 ON SECOND READING**

Senator Whitmire moved to suspend the regular order of business to take up for consideration **CSSB 1116** at this time on its second reading:

CSSB 1116, Relating to the enforcement and punishment of certain prohibited conduct that occurs on a public school campus or on a vehicle owned by a county or school district.

The motion prevailed.

Senator Nelson asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Whitmire offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1116** in SECTION 1 of the bill, in proposed Article 45.058(i), Code of Criminal Procedure (Committee Printing, page 1, lines 20-21) by striking "attach to the citation" and substituting "submit to the court".

The amendment to **CSSB 1116** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Whitmire and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1116 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Nelson.

COMMITTEE SUBSTITUTE SENATE BILL 1116 ON THIRD READING

Senator Whitmire moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1116** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Nelson, Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1116**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1116** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1.

Nays: Nelson.

**COMMITTEE SUBSTITUTE
SENATE BILL 1177 ON SECOND READING**

On motion of Senator Nelson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1177** at this time on its second reading:

CSSB 1177, Relating to the adoption by health care facilities of a policy on vaccine preventable diseases; imposing penalties.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1177 ON THIRD READING**

Senator Nelson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1177** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1177**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1177** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1383 ON SECOND READING**

On motion of Senator Shapiro and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1383** at this time on its second reading:

CSSB 1383, Relating to an appraisal and professional development system for public school principals.

The bill was read second time.

Senator Shapiro offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1383** in SECTION 3 of the bill, in proposed Section 21.3541, Education Code (Committee Printing, page 1, lines 48-51), by striking proposed Subsection (e) and inserting the following:

(e) In carrying out the commissioner's powers and duties under this section, the commissioner may use only money available from private sources that may be used for that purpose.

The amendment to **CSSB 1383** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Shapiro and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1383 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1383 ON THIRD READING**

Senator Shapiro moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1383** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1383**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1383** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed.

Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1551 ON SECOND READING**

On motion of Senator Rodriguez and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1551** at this time on its second reading:

CSSB 1551, Relating to missing children; providing a criminal penalty.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1551 ON THIRD READING**

Senator Rodriguez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1551** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1551**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1551** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1421 ON SECOND READING**

On motion of Senator Nelson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1421** at this time on its second reading:

CSSB 1421, Relating to the awarding of grants provided by the Cancer Prevention and Research Institute of Texas.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1421 ON THIRD READING**

Senator Nelson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1421** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1421**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1421** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**SENATE CONCURRENT RESOLUTION 36
ON SECOND READING**

On motion of Senator Williams and by unanimous consent, the regular order of business was suspended to take up for consideration **SCR 36** at this time on its second reading:

SCR 36, Urging the members of the Texas congressional delegation to provide to the legislature a cost analysis of the exact funding necessary for full enforcement of all immigration laws in Texas and to immediately report back to the legislature as to the status of that funding and directing the lieutenant governor and the speaker of the house to send a delegation of members from both chambers to meet with members of Congress and members of the executive branch to discuss the border security crisis.

The resolution was read second time and was adopted by the following vote: Yeas 30, Nays 1.

Nays: Rodriguez.

**HOUSE BILL 994 REREFERRED
(Motion In Writing)**

Senator Zaffirini submitted a Motion In Writing requesting that **HB 994** be withdrawn from the Committee on Criminal Justice and rereferred to the Committee on Jurisprudence.

The Motion In Writing prevailed without objection.

PERMISSION TO INTRODUCE BILLS

On motion of Senator Whitmire and by unanimous consent, Senate Rule 7.07(b) was suspended to permit the introduction of the following bills: **SB 1917**, **SB 1918**.

SENATE RESOLUTION 824

Senator Ogden offered the following resolution:

WHEREAS, Under the outstanding leadership of eight-year head coach Gary Blair, the Texas A&M University women's basketball team made history by winning its first National Collegiate Athletic Association national championship; and

WHEREAS, The Texas A&M University women's basketball team finished its season with an impressive 33-5 record—the most wins in program history—and achieved a 13-3 record in the Big 12; their achievements included going to the National Collegiate Athletic Association tournament and defeating number one seed Baylor in the Elite Eight in Dallas and number one seed Stanford in the Final Four in Indianapolis on their way to defeating Notre Dame in the national championship finals by a score of 76-70; and

WHEREAS, Several of the players have achieved extraordinary honors for their efforts, including senior Danielle Adams, named as Texas A&M University's first Associated Press First Team All-American, and senior Sydney Colson, named as an Associated Press All-American Honorable Mention; Danielle Adams was also selected to the 2011 NCAA Division I State Farm Coaches' All-America Basketball Team, and junior Tyra White achieved a State Farm Coaches' All-America Team Honorable Mention; and

WHEREAS, The members of the Texas A&M University coaching staff, including head coach Gary Blair, associate head coach Vic Schaefer, associate head coach Kelly Bond, and assistant coach Johnnie Harris, have represented themselves and Texas A&M University admirably and with great distinction and have motivated and inspired the women's basketball team to conduct themselves with excellence, honor, and integrity—both on and off the court; and

WHEREAS, The Aggie women's basketball team, in winning its first National Collegiate Athletic Association national championship and bringing the much-coveted championship trophy to Texas A&M University has inspired enormous admiration and respect for women's athletics at the university; and

WHEREAS, The Texas A&M women's basketball team has brought tremendous positive national attention to Texas A&M University and to the great State of Texas; and

WHEREAS, Coach Gary Blair, winner of numerous coaching honors and one of the most highly respected and winningest active Division I coaches in the women's game today, completely turned around the Aggie women's basketball program since his appointment as head coach in 2003, taking the team to a record six straight National Collegiate Athletic Association tournaments and capturing the 2011 national championship; and

WHEREAS, The hard work and dedication to excellence of the women's basketball team and its coaches have led to a history-making year that will be remembered and celebrated by Aggies and others forever; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby honor Coach Gary Blair and the Texas A&M University women's basketball team on their outstanding achievements and extend to them best wishes for the future; and be it further

RESOLVED, That a copy of this Resolution be prepared for Coach Gary Blair and the team as an expression of high regard from the Texas Senate.

OGDEN
HEGAR
WENTWORTH
WILLIAMS

SR 824 was read.

On motion of Senator Williams and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Ogden, the resolution was adopted without objection.

GUESTS PRESENTED

Senator Ogden was recognized and introduced to the Senate the Texas A&M University women's basketball team: student-athletes, Danielle Adams, Kelsey Assarian, Maryann Baker, Kristi Bellock, Kelsey Bone, Sydney Carter, Skylar Collins, Sydney Colson, Adaora Elonu, Karla Gilbert, Kristen Grant, Adrienne Pratcher, Catherine Snow, Tyra White, and Cierra Windham; Coaches, Gary Blair, Vic Schaefer, Kelly Bond, and Johnnie Harris; and administration and staff, Bill Byrne and Erich Birch.

The Senate welcomed its guests.

SENATE BILLS ON FIRST READING

The following bills were introduced, read first time, and referred to the committees indicated:

SB 1913 by Watson

Relating to the creation of the Southeast Travis County Municipal Utility District No. 1; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

To Committee on Intergovernmental Relations.

SB 1914 by Watson

Relating to the creation of the Southeast Travis County Municipal Utility District No. 2; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

To Committee on Intergovernmental Relations.

SB 1915 by Watson

Relating to the creation of the Southeast Travis County Municipal Utility District No. 3; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

To Committee on Intergovernmental Relations.

SB 1916 by Watson

Relating to the creation of the Southeast Travis County Municipal Utility District No. 4; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

To Committee on Intergovernmental Relations.

SB 1917 by Zaffirini

Relating to the tax exemption for permanent hotel residents in certain smaller municipalities.

To Committee on Finance.

SB 1918 by Zaffirini

Relating to the authority of emergency services districts in low populous counties to contract with banks regarding deposits.

To Committee on Intergovernmental Relations.

HOUSE BILLS AND RESOLUTION ON FIRST READING

The following bills and resolution received from the House were read first time and referred to the committees indicated:

HB 6 to Committee on Education.

HB 33 to Committee on Higher Education.

HB 44 to Committee on Intergovernmental Relations.

HB 213 to Committee on Business and Commerce.

HB 243 to Committee on Transportation and Homeland Security.

HB 265 to Committee on Government Organization.

HB 282 to Committee on Veteran Affairs and Military Installations.

HB 345 to Committee on Intergovernmental Relations.

HB 365 to Committee on State Affairs.

- HB 377** to Committee on Transportation and Homeland Security.
HB 399 to Committee on Higher Education.
HB 499 to Committee on Intergovernmental Relations.
HB 555 to Committee on Transportation and Homeland Security.
HB 650 to Committee on Higher Education.
HB 968 to Committee on Education.
HB 992 to Committee on Higher Education.
HB 1064 to Committee on Business and Commerce.
HB 1118 to Committee on Intergovernmental Relations.
HB 1148 to Committee on Transportation and Homeland Security.
HB 1206 to Committee on Higher Education.
HB 1242 to Committee on Business and Commerce.
HB 1245 to Committee on Economic Development.
HB 1247 to Committee on Government Organization.
HB 1254 to Committee on International Relations and Trade.
HB 1263 to Committee on Economic Development.
HB 1300 to Committee on Agriculture and Rural Affairs.
HB 1325 to Committee on Jurisprudence.
HB 1341 to Committee on Higher Education.
HB 1353 to Committee on Transportation and Homeland Security.
HB 1379 to Committee on Intergovernmental Relations.
HB 1380 to Committee on Health and Human Services.
HB 1400 to Committee on Intergovernmental Relations.
HB 1426 to Committee on Jurisprudence.
HB 1469 to Committee on Business and Commerce.
HB 1550 to Committee on Education.
HB 1567 to Committee on Criminal Justice.
HB 1568 to Committee on Intergovernmental Relations.
HB 1614 to Committee on Jurisprudence.
HB 1625 to Committee on Business and Commerce.
HB 1753 to Committee on Business and Commerce.
HB 1768 to Committee on Intergovernmental Relations.
HB 1774 to Committee on Government Organization.
HB 1779 to Committee on Criminal Justice.
HB 1781 to Committee on Government Organization.
HB 1806 to Committee on Agriculture and Rural Affairs.
HB 1832 to Committee on Natural Resources.
HB 1861 to Committee on Government Organization.
HB 1889 to Committee on Jurisprudence.
HB 1908 to Committee on Criminal Justice.
HB 1917 to Committee on Intergovernmental Relations.
HB 1965 to Committee on Health and Human Services.
HB 1990 to Committee on Intergovernmental Relations.
HB 2012 to Committee on Business and Commerce.
HB 2131 to Committee on Administration.
HB 2207 to Committee on Intergovernmental Relations.

HB 2251 to Committee on Government Organization.
HB 2257 to Committee on Transportation and Homeland Security.
HB 2258 to Committee on Health and Human Services.
HB 2266 to Committee on Intergovernmental Relations.
HB 2296 to Committee on Intergovernmental Relations.
HB 2351 to Committee on Intergovernmental Relations.
HB 2360 to Committee on Natural Resources.
HB 2375 to Committee on Business and Commerce.
HB 2418 to Committee on Natural Resources.
HB 2463 to Committee on Open Government.
HB 2499 to Committee on Government Organization.
HB 2503 to Committee on Business and Commerce.
HB 2521 to Committee on Intergovernmental Relations.
HB 2541 to Committee on Transportation and Homeland Security.
HB 2559 to Committee on Business and Commerce.
HB 2582 to Committee on Business and Commerce.
HB 2605 to Committee on Government Organization.
HB 2609 to Committee on Health and Human Services.
HB 2631 to Committee on Higher Education.
HB 2633 to Committee on Criminal Justice.
HB 2670 to Committee on Intergovernmental Relations.
HB 2690 to Committee on Intergovernmental Relations.
HB 2716 to Committee on Intergovernmental Relations.
HB 2785 to Committee on Economic Development.
HB 2794 to Committee on Natural Resources.
HB 2831 to Committee on Economic Development.
HB 2904 to Committee on Health and Human Services.
HB 2909 to Committee on Education.
HB 2971 to Committee on Education.
HB 3000 to Committee on Criminal Justice.
HB 3174 to Committee on Jurisprudence.
HB 3333 to Committee on Government Organization.
HCR 69 to Committee on Administration.

CONDOLENCES EXTENDED

Senator Estes was recognized and, on behalf of the Senate, extended condolences to the victims of the Texas wildfires and acknowledged the bravery of the firefighters.

SENATE RULES SUSPENDED

(Posting Rules)

On motion of Senator Fraser and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Natural Resources might meet and consider **SB 1074** today.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Duncan and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on State Affairs might meet and consider the following bills today: **SB 1285, SB 1286, SB 1664.**

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Carona and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Business and Commerce might meet and consider **SB 1743** today.

NOTICE GIVEN FOR
LOCAL AND UNCONTESTED CALENDAR

Senator Uresti announced that a Local and Uncontested Calendar had been furnished to each Member of the Senate. He then gave notice that the Local and Uncontested Calendar Session would be held at 8:00 a.m. Thursday, April 28, 2011, and that all bills and resolutions would be considered on second and third reading in the order in which they were listed.

CO-AUTHOR OF SENATE BILL 224

On motion of Senator Nelson, Senator West will be shown as Co-author of **SB 224.**

CO-AUTHOR OF SENATE BILL 262

On motion of Senator Carona, Senator Zaffirini will be shown as Co-author of **SB 262.**

CO-AUTHOR OF SENATE BILL 573

On motion of Senator Nichols, Senator Williams will be shown as Co-author of **SB 573.**

CO-AUTHOR OF SENATE BILL 1022

On motion of Senator Rodriguez, Senator Uresti will be shown as Co-author of **SB 1022.**

CO-AUTHOR OF SENATE BILL 1489

On motion of Senator Whitmire, Senator West will be shown as Co-author of **SB 1489.**

CO-AUTHOR OF SENATE BILL 1620

On motion of Senator Duncan, Senator Van de Putte will be shown as Co-author of **SB 1620.**

CO-AUTHORS OF SENATE BILL 1662

On motion of Senator West, Senators Ogden and Williams will be shown as Co-authors of **SB 1662.**

CO-AUTHORS OF SENATE BILL 1717

On motion of Senator Duncan, Senators Watson and West will be shown as Co-authors of **SB 1717**.

CO-AUTHOR OF SENATE CONCURRENT RESOLUTION 37

On motion of Senator Hinojosa, Senator Harris will be shown as Co-author of **SCR 37**.

CO-AUTHOR OF SENATE JOINT RESOLUTION 4

On motion of Senator Hinojosa, Senator Lucio will be shown as Co-author of **SJR 4**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 825 by Van de Putte, In memory of Gonzalo V. Castillo, Jr., of San Antonio.

SR 830 by Watson, In memory of Rose Adele Junemann Nieman of Austin.

SR 841 by Lucio, In memory of Othal Brand of McAllen.

SR 842 by Lucio, In memory of the life of Celestino G. Martinez, Jr.

SR 843 by Lucio, In memory of William "Bill" Summers of the Rio Grande Valley.

HCR 32 (Seliger), In memory of Lindley Paul Latham of Midland.

Congratulatory Resolutions

SR 742 by Duncan, Recognizing the Texas Tech University School of Law moot court team for winning the 61st Annual National Moot Court Competition championship.

SR 821 by Fraser, Recognizing Otto P. Scharth on the occasion of his 88th birthday.

SR 822 by Watson, Recognizing the Hospitality Management Corporation on the occasion of its General Managers and Directors of Sales Conference.

SR 823 by Uresti, Recognizing Rosa Sanchez Celis and Joseph Ignacio Celis, Jr., on the occasion of their 50th wedding anniversary.

SR 827 by Patrick, Recognizing pregnancy care centers for their dedication.

SR 828 by Ogden, Recognizing Myrtis Dightman on the occasion of the unveiling of his portrait bust.

SR 829 by Watson, Recognizing Sherry Traynor on the occasion of her retirement from the Office of the Comptroller of Public Accounts.

SR 833 by Ellis, Commending Jeremy Daniel Edelstein of Houston for achieving the rank of Eagle Scout.

SR 834 by Ellis, Commending Daniel Evan Faerman for achieving the rank of Eagle Scout.

SR 835 by Ellis, Commending Isaac David Kaplan for achieving the rank of Eagle Scout.

SR 836 by Ellis, Commending Max William Kaplan for achieving the rank of Eagle Scout.

SR 837 by Ellis, Recognizing Ada Edwards on the occasion of her retirement from the City of Houston.

SR 838 by Zaffirini, Congratulating Marisela and Robert Higgins for being selected by Junior Achievement of Laredo for induction into the 2011 Laredo Business Hall of Fame.

SR 839 by Zaffirini, Recognizing Richard E. Haynes Sr. for being selected posthumously by Junior Achievement of Laredo for induction into the 2011 Laredo Business Hall of Fame.

SR 840 by Zaffirini, Recognizing Demetrio David Hachar for being selected posthumously by Junior Achievement of Laredo for induction into the 2011 Laredo Business Hall of Fame.

HCR 109 (Watson), Recognizing the Junior Marine Corps of Bedichek Middle School in Austin.

Official Designation Resolutions

SR 832 by Watson, Recognizing May 1 through 8, 2011, as the Holocaust Days of Remembrance.

HCR 137 (Seliger), Designating April 2011 as Parkinson's Awareness Month.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 2:33 p.m. adjourned, in memory of Joel Ramirez and Charles Wren, until 11:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Secretary of the Senate in the order listed:

April 26, 2011

EDUCATION — **CSSB 35, CSSB 738, CSSB 1483**

TRANSPORTATION AND HOMELAND SECURITY — **CSSB 9**

FINANCE — **CSSB 1580, CSSB 1583, CSSB 1582**

STATE AFFAIRS — **CSSB 1164, CSSB 1445, CSSB 1536, CSSB 1686**

FINANCE — **CSSJR 5, CSSB 1579, CSSB 1581, CSSB 1584**

INTERNATIONAL RELATIONS AND TRADE — **CSSB 1809, CSSB 1816**
FINANCE — **CSSB 1505**
HEALTH AND HUMAN SERVICES — **CSSB 1878**
FINANCE — **CSSB 22, CSSB 1811**
ECONOMIC DEVELOPMENT — **CSSB 1534**
EDUCATION — **CSSB 1328**
AGRICULTURE AND RURAL AFFAIRS — **CSSB 1032**
HIGHER EDUCATION — **CSSB 1488, CSSB 1564, CSSB 1727, CSSB 1823, CSSB 32, CSSB 1107, CSSB 1414, CSSB 1348**
STATE AFFAIRS — **CSSB 812**
NATURAL RESOURCES — **CSSB 956**
TRANSPORTATION AND HOMELAND SECURITY — **SB 150, SB 530, CSSB 730, SB 1057, SB 615, CSSB 1104, CSSB 1138, CSSB 1422, CSSB 1608, CSSB 1864**
STATE AFFAIRS — **CSSB 1667**
EDUCATION — **HB 861**
ADMINISTRATION — **HB 1844, HCR 45, SCR 25, SCR 35, SCR 39, SCR 41**
BUSINESS AND COMMERCE — **HB 558, HB 1956, SB 710, SB 1231**
INTERNATIONAL RELATIONS AND TRADE — **CSHB 699**
ECONOMIC DEVELOPMENT — **CSSB 1472**

BILLS ENGROSSED

April 21, 2011

SB 95, SB 120, SB 149, SB 216, SB 252, SB 260, SB 264, SB 265, SB 348, SB 375, SB 378, SB 540, SB 602, SB 609, SB 613, SB 768, SB 810, SB 896, SB 913, SB 924, SB 942, SB 943, SB 958, SB 977, SB 982, SB 984, SB 985, SB 986, SB 993, SB 1026, SB 1043, SB 1046, SB 1054, SB 1055, SB 1058, SB 1081, SB 1096, SB 1100, SB 1103, SB 1125, SB 1130, SB 1168, SB 1169, SB 1178, SB 1229, SB 1233, SB 1243, SB 1244, SB 1255, SB 1269, SB 1271, SB 1295, SB 1303, SB 1311, SB 1400, SB 1410, SB 1413, SB 1433, SB 1442, SB 1477, SB 1480, SB 1494, SB 1496, SB 1521, SB 1598, SB 1600, SB 1655, SB 1660, SB 1692, SB 1732, SB 1736, SB 1744, SB 1752, SB 1788, SB 1810, SB 1831

SIGNED BY GOVERNOR

April 21, 2011

SB 24, SB 37, SB 115, SB 312, SB 351, SB 569, SB 582, SB 716

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FORTY-EIGHTH DAY

(Wednesday, April 27, 2011)

The Senate met at 11:15 a.m. pursuant to adjournment and was called to order by President Pro Tempore Ogden.

The roll was called and the following Senators were present: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

The President Pro Tempore announced that a quorum of the Senate was present.

Pastor Kent L. Bohls, Gethsemane Lutheran Church, Austin, offered the invocation as follows:

Holy loving God, we humbly bow our hearts before You today in this moment of quiet so that we might hear Your word of hope and promise. Touch our hearts so that we might be receptive to Your call to use our power, authority, and responsibility with a sense of compassion and purpose as we speak and act on behalf of all Your people of this great state, especially the voiceless, the weak, the abandoned, and the forgotten. It is our call and blessing to be courageous, to cast aside fear, and care for the greater good. Help us to see the world as You see it, one people loved and claimed by Your grace, where brokenness is healed, where the lowly are lifted up, where we serve as good stewards of our land and resources. As we ask for rain on our parched and thirsty land, may we willingly offer ourselves as water of refreshing hope for those who are parched, fearful, and hungry for justice, equality, welcome, and healing. These are indeed tough times, but this is our time. Open us to solutions that are creative, positive, and life-giving as we boldly look to a future lived thankfully in Your grace. Amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of the previous day be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

PHYSICIAN OF THE DAY

Senator Eltife, on behalf of Senator Ogden, was recognized and presented Dr. Mary Helen Morrow of North Zulch as the Physician of the Day.

The Senate welcomed Dr. Morrow and thanked her for her participation in the Physician of the Day program sponsored by the Texas Academy of Family Physicians.

GUESTS PRESENTED

Senator Eltife was recognized and introduced to the Senate a Rusk County delegation.

The Senate welcomed its guests.

INTRODUCTION OF BILLS AND RESOLUTIONS POSTPONED

The President Pro Tempore announced that the introduction of bills and resolutions on first reading would be postponed until the end of today's session.

There was no objection.

SENATE RESOLUTION 12

Senator Fraser offered the following resolution:

SR 12, Recognizing April 27, 2011, as Texas Water Conservation Day at the State Capitol.

The resolution was again read.

The resolution was previously adopted on Thursday, January 13, 2011.

GUESTS PRESENTED

Senator Fraser was recognized and introduced to the Senate a Texas Water Conservation Association delegation.

The Senate welcomed its guests.

ACKNOWLEDGMENT

The President Pro Tempore acknowledged the presence of former Senator Kip Averitt.

The Senate welcomed its guest.

SENATE RESOLUTION 847

Senator Birdwell offered the following resolution:

SR 847, In memory of Clifton L. Taylor of Johnson County.

The resolution was read.

On motion of Senator Birdwell, **SR 847** was adopted by a rising vote of the Senate.

In honor of the memory of Clifton L. Taylor, the text of the resolution is printed at the end of today's *Senate Journal*.

REMARKS ORDERED PRINTED

On motion of Senator Birdwell and by unanimous consent, his remarks regarding **SR 847** were ordered reduced to writing and printed in the *Senate Journal* as follows:

Mr. President, Members, it is with great sadness that I share with you that this past Saturday, April 23rd, Johnson County Sheriff's Deputy Clifton Taylor was killed in the line of duty. While attempting to apprehend an armed suspect involved in a domestic violence dispute, Deputy Taylor was shot three times. Deputy Taylor had been with the Johnson County Sheriff's Department for a little more than three years and will be remembered for his sense of humor, his work ethic, and his humility. He was 31 years old and engaged to be married. Let us not forget, though, the service of our fine law enforcement officers and firefighters who put their lives on the line anytime they put on their uniforms. Mr. President, at this time I would ask that the Senate adjourn today in memory of Deputy Clifton Taylor.

SENATE RESOLUTION 846

Senator Patrick offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to pay tribute to a Texas legend, O. A. "Bum" Phillips; and

WHEREAS, Bum Phillips is an icon in the world of football coaching; with a background in ranching and military experience in the elite Marine Raiders during World War II, he is an inspirational leader known for bringing out the best in the players and the teams he coached at the high school, college, and professional levels; since retiring, he has put his talents to use in a wider sphere as a motivational speaker and in his work with numerous charities and ministries; and

WHEREAS, Born Oail Andrew Phillips, Bum Phillips got his nickname as a young boy when his sister could not pronounce the word "brother"; the moniker stuck, and Bum Phillips is now one of the most recognized names not just in Texas but across the United States, even some 25 years after the conclusion of his illustrious football coaching career; and

WHEREAS, On September 30, 1942, one day after his 19th birthday, Bum Phillips enlisted in the United States Marine Corps; after completing boot camp, he volunteered for the newly formed Marine Raiders, an amphibious commando assault force created at the request of President Franklin D. Roosevelt; and

WHEREAS, He fought bravely in numerous South Pacific campaigns during World War II and took part in the Battle of New Georgia, where the Raiders, who were outnumbered 10 to one, fought courageously in hand-to-hand combat, and nearly half of the force was wounded or killed in action; he was honorably discharged on August 18, 1945, after spending 18 months in combat and 11 months rebuilding islands, roads, and runways, and he is one of only two surviving Marine Raiders living in Texas; and

WHEREAS, Bum Phillips became a legendary high school football coach, establishing winning programs in schools across Texas; he taught young men not just the game of football but the leadership principles he learned in the Marines; in the

1950s, at the request of Bear Bryant, head football coach at Texas A&M University, he invented a system of defensive signal calling that is still used today at all levels of football; and

WHEREAS, After several years coaching college football, he joined the National Football League as defensive assistant coach for the San Diego Chargers; he soon joined the Houston Oilers and was named head coach and general manager in 1975; as coach of the Oilers, he became famous as the winningest coach in franchise history and took his team twice to the American Football Conference championship game; he then coached the New Orleans Saints for five years, turning around their defense and rebuilding the franchise before retiring from coaching in 1985; and

WHEREAS, He retired from football but not from working; he still operates a horse and cattle ranch in Goliad County with his wife, Debbie; he does advertising and motivational speaking and works in many charity events; he also ministers to men in Texas prisons; and

WHEREAS, Bum Phillips to this day is one of the most popular, respected, and admired coaches in the history of American football; a rancher, a horseman, and a true Texan, he is known for his dry sense of humor, his laid-back demeanor, his ever-present cowboy hat and boots, and his famous name, which he still explains is a nickname, not a description; and

WHEREAS, A father figure to many, Bum Phillips has had a positive impact on the lives of thousands of young men over the years, and he is truly worthy of recognition for his outstanding career and his inspirational efforts on behalf of his fellow man; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby recognize O. A. "Bum" Phillips as a true Texas treasure and an exceptional representative of this state; and, be it further

RESOLVED, That a copy of this Resolution be prepared for Bum Phillips as an expression of high regard from the Texas Senate.

SR 846 was read and was adopted without objection.

GUESTS PRESENTED

Senator Patrick was recognized and introduced to the Senate Coach Bum Phillips, Wade Phillips, Dee Jean Hurta, Andrea McCarthy, KimAnn England, Susan Phillips, Cicely DeVore, and David Van Fleet.

The Senate welcomed its guests.

(Senator Carona in Chair)

GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate students from the First Baptist School of Brownsville, accompanied by their teacher, Susan Smith Lingo.

The Senate welcomed its guests.

CONCLUSION OF MORNING CALL

The Presiding Officer at 12:06 p.m. announced the conclusion of morning call.

**COMMITTEE SUBSTITUTE
SENATE BILL 1035 ON SECOND READING**

On motion of Senator Williams and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1035** at this time on its second reading:

CSSB 1035, Relating to motor vehicle title services; providing penalties.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1035 ON THIRD READING**

Senator Williams moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1035** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1035**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1035** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE JOINT RESOLUTION 13 ON SECOND READING

On motion of Senator Harris and by unanimous consent, the regular order of business was suspended to take up for consideration **SJR 13** at this time on its second reading:

SJR 13, Proposing a constitutional amendment requiring certain revenue collected by a public entity from the use of a tolled highway project in this state to be used only for transportation projects.

The resolution was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE JOINT RESOLUTION 13 ON THIRD READING

Senator Harris moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SJR 13** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SJR 13**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SJR 13** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The resolution was read third time and was passed by the following vote: Yeas 31, Nays 0.

REMARKS ORDERED PRINTED

On motion of Senator Williams and by unanimous consent, the exchange between Senators Harris and Williams regarding **SJR 13** was ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator Williams: The relevant text of SJR 13 provides as follows, "Sec. 7-c. Revenue collected by a public entity from the use of a tolled highway project in this state, other than an international bridge, that is not dedicated to repayment of debt for the project may be used only for the acquisition, construction, operation, maintenance,

or improvement of transportation projects." The intent seems to be to ensure that toll revenues are used only on transportation projects and not be diverted to non-transportation uses such as sports facilities, hospital districts, etc. Is that correct?

Senator Harris: Yes.

Senator Williams: So your intent is not to limit in any way the manner in which toll agencies operate and deliver transportation projects under current or other reasonable business practices that may be necessary or appropriate for carrying out their basic mission, which is to finance and deliver transportation infrastructure projects. Is that correct?

Senator Harris: Yes.

Senator Williams: Would it be appropriate for me to clarify that this SJR would not prohibit or limit toll agencies from using toll revenues to pay general operational and administrative costs—whether or not directly or indirectly related to a particular transportation project—including salaries and benefits, rent and utilities, costs to comply with state and federal requirements such as audit and reporting requirements and compliance with open meetings and open records laws and other types of necessary or appropriate operational and administrative costs all of which should be included in the term "operation." Is that correct?

Senator Harris: Yes.

Senator Williams: The term "operation" should be intended to be read very broadly to include the full range of operational and administrative costs necessary or appropriate for a toll agency to operate under reasonable business practices, including, without limitation, using toll revenues for the payment of costs associated with manning toll booths, collecting tolls, video tolling, toll tags, toll enforcement measures, installing, removing and repairing equipment, gantries and other infrastructure, incident management, legal, finance, and other administrative staff and consultants, and other related costs, including customer service, community and public outreach and educational efforts, purchasing and leasing equipment, costs of rolling stock and business supplies, information technology costs, and costs for human resources.

Senator Harris: Yes.

Senator Williams: We should also clarify that the term "transportation project" includes the full range of costs associated with the development of transportation infrastructure, including without limitation, traffic and revenue studies, demographic studies, feasibility reports, engineering and design costs, construction costs, financing and other contract terms which may or may not constitute "debt," right-of-way acquisition, demolition costs, utility relocations, environmental studies, remediation and other related costs, grading separations, interchanges, administration facilities, drainage, striping, signals, signage, etc.

Senator Harris: Correct.

Senator Williams: We should be careful that the SJR does not inadvertently restrict or limit a toll agency from doing any action or paying any cost that would limit in any way its ability to carry out its basic functions such as restricting a toll agency from paying rent and utilities on an administration building. Is that your intent?

Senator Harris: That is correct.

Senator Williams: The only "new" restriction resulting from this SJR would be that toll agencies would not be able to use toll revenues on non-transportation projects, which we do not believe they do anyway.

Senator Harris: That is the intent.

NOMINATION RETURNED

On motion of Senator Deuell and by unanimous consent, the Senate agreed to grant the request of the Governor to return the following nomination:

Member, State Employee Charitable Campaign Policy Committee: Carol Frost Treadway, Travis County.

SENATE BILL 627 ON SECOND READING

On motion of Senator Davis and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 627** at this time on its second reading:

SB 627, Relating to the participation by certain taxing units in tax increment financing and the payment of tax increments into the tax increment fund for a reinvestment zone.

The bill was read second time.

Senator Davis offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 627** (senate committee report) in SECTION 1 of the bill, in amended Section 311.013(c), Tax Code, between "Section 311.017(a) and the comma (page 1, line 16), by inserting "and unless otherwise specified by an agreement between the taxing unit and the municipality or county that created the zone".

The amendment to **SB 627** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Davis and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

SB 627 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 627 ON THIRD READING

Senator Davis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 627** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.
Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 627**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 627** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE SENATE BILL 1248 ON SECOND READING

On motion of Senator Lucio and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1248** at this time on its second reading:

CSSB 1248, Relating to the designation of a portion of State Highway 499 as the Colonel Bill Card, Jr., Boulevard.

The bill was read second time.

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1248** (senate printing) as follows:

(1) In SECTION 1 of the bill, (page 1, lines 14, 18, 20, and 23), strike "Colonel Bill Card, Jr., Boulevard" each time it appears and substitute "Colonel Bill Card Boulevard".

The amendment to **CSSB 1248** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Lucio and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1248 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1248 ON THIRD READING**

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1248** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1248**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1248** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 5 ON SECOND READING**

Senator Zaffirini moved to suspend the regular order of business to take up for consideration **CSSB 5** at this time on its second reading:

CSSB 5, Relating to the administration and business affairs of public institutions of higher education.

The motion prevailed.

Senator Ogden asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Wentworth offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 5** (Senate Committee Printing) in ARTICLE 1 of the bill as follows:

(1) In the recital to SECTION 1.01 (page 1, lines 14-15), strike "Subsection (b), Section 51.003, Education Code, is amended to read as follows" and substitute "Section 51.003, Education Code, is amended by amending Subsection (b) and adding Subsection (f) to read as follows".

(2) At the end of SECTION 1.01 (page 1, between lines 20 and 21), insert the following:

(f) Notwithstanding any other provision of this section, the governing board of each institution may maintain unsecured deposits in a foreign bank as necessary to support the institution's operations in a foreign country. The foreign bank must:

(1) be licensed and supervised by a central bank;

(2) be audited annually by an accounting firm that follows international financial reporting standards; and

(3) maintain a capital to total assets ratio that is not less than the greater of four percent or the minimum tier I capital to total assets ratio required for depository institutions insured by the Federal Deposit Insurance Corporation.

The amendment to **CSSB 5** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

Senator Wentworth offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 5** (Senate Committee Printing) in ARTICLE 6 of the bill by adding the following appropriately numbered SECTION and renumbering the subsequent SECTIONS of ARTICLE 6 appropriately:

SECTION 6. ____ . Section 51.914, Education Code, is amended to read as follows:

Sec. 51.914. PROTECTION OF CERTAIN INFORMATION. (a) In order to protect the actual or potential value, the following information is ~~is~~ ~~shall be~~ confidential and ~~is~~ ~~shall~~ not ~~be~~ subject to disclosure under Chapter 552, Government Code, or otherwise:

(1) all information relating to a product, device, or process, the application or use of such a product, device, or process, and all technological and scientific information (including computer programs) developed in whole or in part at a state institution of higher education, regardless of whether patentable or capable of being registered under copyright or trademark laws, that have a potential for being sold, traded, or licensed for a fee;

(2) any information relating to a product, device, or process, the application or use of such product, device, or process, and any technological and scientific information (including computer programs) that is the proprietary information of a person, partnership, corporation, or federal agency that has been disclosed to an institution of higher education solely for the purposes of a written research contract or grant that contains a provision prohibiting the institution of higher education from disclosing such proprietary information to third persons or parties; or

(3) the plans, specifications, blueprints, and designs, including related proprietary information, of a scientific research and development facility that is jointly financed by the federal government and a local government or state agency, including an institution of higher education, if the facility is designed and built for the purposes of promoting scientific research and development and increasing the economic development and diversification of this state.

(b) Information maintained by or for an institution of higher education that would reveal the institution's plans or negotiations for commercialization or research, or that consists of unpublished research results or data, is not subject to Chapter 552, Government Code, unless the information has been published, is patented, or is otherwise subject to an executed license, sponsored research agreement, or research contract or grant. In this subsection, "institution of higher education" has the meaning assigned by Section 61.003.

The amendment to **CSSB 5** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 2.

Senator Watson offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 5** (Senate Committee Printing) in SECTION 2.02 of the bill as follows:

(1) Strike amended Section 51.9335(d), Education Code (page 4, lines 29-36), and substitute the following:

(d) Subtitle D, Title 10, Government Code, and Subchapter B, Chapter 2254, Government Code, do not apply to the acquisition of goods and services under this section, except that an institution must comply with any provision of those laws, or a rule adopted under a provision of those laws, [To the extent of any conflict, this section prevails over any other law, including Chapters 2155, 2156, 2157, 2158, 2167, and 2170, Government Code, except a law or rule] relating to contracting with historically underutilized businesses or relating to the procurement of goods and services from persons with disabilities. An institution of higher education may, but is not required to, acquire goods or services as provided by Subtitle D, Title 10 [~~Chapters 2155, 2156, 2157, 2158, 2167, and 2170~~], Government Code.

(2) Strike added Section 51.9335(g), Education Code (page 4, lines 41-45), and substitute the following:

(g) An institution of higher education may adopt rules and procedures for the acquisition of goods or services.

The amendment to **CSSB 5** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 3.

Senator Birdwell offered the following amendment to the bill:

Floor Amendment No. 4

Amend **CSSB 5** (Senate Committee Printing) in ARTICLE 6 of the bill, by striking SECTION 6.08 (page 11, lines 58-65), and renumbering subsequent SECTIONS of ARTICLE 6 of the bill accordingly.

The amendment to **CSSB 5** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 4.

Senator West offered the following amendment to the bill:

Floor Amendment No. 5

Amend **CSSB 5** (Senate Committee Printing) in ARTICLE 6 of the bill, by striking SECTION 6.14 (page 12, lines 41-47), and renumbering subsequent SECTIONS of ARTICLE 6 of the bill accordingly.

The amendment to **CSSB 5** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 5.

Senator Birdwell offered the following amendment to the bill:

Floor Amendment No. 6

Amend **CSSB 5** (Senate Committee Printing) in ARTICLE 7 of the bill, in SECTION 7.01(a), by striking Subdivision (4) (page 13, line 3), and renumbering subsequent subdivisions of SECTION 7.01(a) accordingly.

The amendment to **CSSB 5** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 6.

Senator Wentworth offered the following amendment to the bill:

Floor Amendment No. 7

Amend **CSSB 5** (senate committee printing) by inserting the following appropriately numbered ARTICLE into the bill and renumbering subsequent ARTICLES of the bill accordingly:

ARTICLE ____ MISCELLANEOUS PROVISIONS

SECTION ____ Subchapter H, Chapter 411, Government Code, is amended by adding Section 411.2031 to read as follows:

Sec. 411.2031. CARRYING OF HANDGUNS BY LICENSE HOLDERS ON CERTAIN CAMPUSES. (a) For purposes of this section:

(1) "Campus" means all land and buildings owned or leased by an institution of higher education or private or independent institution of higher education.

(2) "Institution of higher education" and "private or independent institution of higher education" have the meanings assigned by Section 61.003, Education Code.

(3) "Premises" has the meaning assigned by Section 46.035, Penal Code.

(b) A license holder may carry a concealed handgun on or about the license holder's person while the license holder is on the campus of an institution of higher education or private or independent institution of higher education in this state.

(c) Except as provided by Subsection (e), an institution of higher education or private or independent institution of higher education in this state may not adopt any rule, regulation, or other provision prohibiting license holders from carrying handguns on the campus of the institution.

(d) An institution of higher education or private or independent institution of higher education in this state may establish rules, regulations, or other provisions concerning the storage of handguns in dormitories that are owned or operated by the institution and located on the campus of the institution.

(e) A private or independent institution of higher education in this state, after consulting with students, staff, and faculty of the institution, may establish rules, regulations, or other provisions prohibiting license holders from carrying handguns on premises that are owned or operated by the institution and located on the campus of the institution.

(f) This section does not permit a license holder to carry concealed handgun on or about the premises of a hospital maintained or operated by an institution of higher education. In this subsection, "hospital" has the meaning assigned by Section 41.003, Health and Safety Code.

SECTION _____. Section 411.208, Government Code, is amended by amending Subsections (a), (b), and (d) and adding Subsection (f) to read as follows:

(a) A court may not hold the state, an agency or subdivision of the state, an officer or employee of the state, an institution of higher education, an officer or employee of an institution of higher education, a private or independent institution of higher education that has not adopted rules under Section 411.2031(e), an officer or employee of a private or independent institution of higher education that has not adopted rules under Section 411.2031(e), a peace officer, or a qualified handgun instructor liable for damages caused by:

(1) an action authorized under this subchapter or a failure to perform a duty imposed by this subchapter; or

(2) the actions of an applicant or license holder that occur after the applicant has received a license or been denied a license under this subchapter.

(b) A cause of action in damages may not be brought against the state, an agency or subdivision of the state, an officer or employee of the state, an institution of higher education, an officer or employee of an institution of higher education, a private or independent institution of higher education that has not adopted rules under Section 411.2031(e), an officer or employee of a private or independent institution of higher education that has not adopted rules under Section 411.2031(e), a peace officer, or a qualified handgun instructor for any damage caused by the actions of an applicant or license holder under this subchapter.

(d) The immunities granted under Subsections (a), (b), and (c) do not apply to an act or a failure to act by the state, an agency or subdivision of the state, an officer of the state, an institution of higher education, an officer or employee of an institution of higher education, a private or independent institution of higher education that has not

adopted rules under Section 411.2031(e), an officer or employee of a private or independent institution of higher education that has not adopted rules under Section 411.2031(e), or a peace officer if the act or failure to act was capricious or arbitrary.

(f) For purposes of this section, "institution of higher education" and "private or independent institution of higher education" have the meanings assigned by Section 61.003, Education Code.

SECTION _____. Section 46.03, Penal Code, is amended by amending Subsections (a) and (c) and adding Subsection (j), to read as follows:

(a) A person commits an offense if the person intentionally, knowingly, or recklessly possesses or goes with a firearm, illegal knife, club, or prohibited weapon listed in Section 46.05(a):

(1) on the physical premises of a school or educational institution, any grounds or building on which an activity sponsored by a school or educational institution is being conducted, or a passenger transportation vehicle of a school or educational institution, whether the school or educational institution is public or private, unless:

(A) pursuant to written regulations or written authorization of the institution; or

(B) the person possesses or goes with a concealed handgun that the person is licensed to carry under Subchapter H, Chapter 411, Government Code, on the physical premises of an institution of higher education or private or independent institution of higher education, on any grounds or building on which an activity sponsored by the institution is being conducted, or in a passenger transportation vehicle of the institution;

(2) on the premises of a polling place on the day of an election or while early voting is in progress;

(3) on the premises of any government court or offices utilized by the court, unless pursuant to written regulations or written authorization of the court;

(4) on the premises of a racetrack;

(5) in or into a secured area of an airport; or

(6) within 1,000 feet of premises the location of which is designated by the Texas Department of Criminal Justice as a place of execution under Article 43.19, Code of Criminal Procedure, on a day that a sentence of death is set to be imposed on the designated premises and the person received notice that:

(A) going within 1,000 feet of the premises with a weapon listed under this subsection was prohibited; or

(B) possessing a weapon listed under this subsection within 1,000 feet of the premises was prohibited.

(c) In this section:

(1) "Institution of higher education" and "private or independent institution of higher education" have the meanings assigned by Section 61.003, Education Code.

(2) [(4)] "Premises" has the meaning assigned by Section 46.035.

(3) [(2)] "Secured area" means an area of an airport terminal building to which access is controlled by the inspection of persons and property under federal law.

(j) Subsection (a)(1)(B) does not permit a person to possess a concealed handgun, or go with a concealed handgun, on the premises of a hospital maintained or operated by an institution of higher education. In this subsection, "hospital" has the meaning assigned by Section 241.003, Health and Safety Code.

SECTION _____. Section 46.035, Penal Code, is amended by adding Subsection (l) to read as follows:

(l) Subsection (b)(2) does not apply on the premises where a collegiate sporting event is taking place if the actor was not given effective notice under Section 30.06.

SECTION _____. Subdivision (1), Subsection (c), Section 46.11, Penal Code, is amended to read as follows:

(1) "Premises" has the meaning [~~"Institution of higher education" and "premises" have the meanings~~] assigned by Section 481.134, Health and Safety Code.

SECTION _____. Section 411.208, Government Code, as amended by this Act, applies only to a cause of action that accrues on or after September 1, 2012. A cause of action that accrued before that date is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION _____. Subsections (a) and (c), Section 46.03, Penal Code, as amended by this Act, and Subsection (l), Section 46.035, Penal Code, as added by this Act, apply only to an offense committed on or after September 1, 2012. An offense committed before September 1, 2012, is governed by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before September 1, 2012, if any element of the offense occurred before that date.

The amendment to **CSSB 5** was read.

Senator Zaffirini moved to postpone further consideration of the bill to a time certain of 11:00 a.m. tomorrow.

The motion prevailed.

Question — Shall Floor Amendment No. 7 to **CSSB 5** be adopted?

RECESS

On motion of Senator Whitmire, the Senate at 12:45 p.m. recessed until 2:00 p.m. today.

AFTER RECESS

The Senate met at 3:55 p.m. and was called to order by the President.

BILLS AND RESOLUTIONS SIGNED

The President announced the signing of the following enrolled bills and resolutions in the presence of the Senate after the captions had been read:

SB 85, SB 323, SB 439, SB 527, SB 638, SB 1226, SB 1846, HB 612, HB 613, HCR 120, HCR 134, HCR 136.

**NOTICE GIVEN FOR
LOCAL AND UNCONTESTED CALENDAR**

Senator Eltife announced that a Local and Uncontested Calendar had been furnished to each Member of the Senate. He then gave notice that the Local and Uncontested Calendar Session would be held at 8:00 a.m. tomorrow and that all bills and resolutions would be considered on second and third reading in the order in which they were listed.

**SENATE RULE 11.13 SUSPENDED
(Consideration of Bills in Committees)**

On motion of Senator Eltife and by unanimous consent, Senate Rule 11.13 was suspended to grant all committees permission to meet while the Senate is meeting today during the introduction of bills and resolutions on first reading and tomorrow during the Local and Uncontested Calendar Session.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER
Austin, Texas
Wednesday, April 27, 2011 - 1

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HB 78 Flynn
Relating to the purchase of food and beverages by certain state law enforcement agencies for peace officer training functions.

HB 143 Laubenberg
Relating to the issuance of specialty license plates to certain family members of a person who dies while serving in the United States armed forces.

HB 232 White
Relating to the amendment of restrictions affecting real property in certain subdivisions.

HB 290 Jackson, Jim
Relating to the punishment for the offense of employment harmful to children.

HB 343 Fletcher
Relating to the reporting and recording of a motor vehicle accident involving an official vehicle driven by a peace officer, firefighter, or an emergency medical services employee in the course of official duties.

HB 398 Jackson, Jim
Relating to the eligibility of employees convicted of certain offenses to provide services under a contract with a public school.

- HB 417** Anchia
Relating to claims for compensation for wrongful imprisonment.
- HB 625** Solomons
Relating to notice of staff leasing services company workers' compensation claim and payment information; providing an administrative violation.
- HB 627** Woolley
Relating to a fee collected by a district clerk for certain certified copies.
- HB 707** Laubenberg
Relating to the validation of certain governmental acts and proceedings of certain municipalities relating to certain public improvement districts.
- HB 718** Fletcher
Relating to the period in which a person commits the offense of funeral service disruption.
- HB 782** Davis, Yvonne
Relating to a requirement that certain bond issuers obtain an appraisal of property that is to be purchased with bond proceeds.
- HB 788** Kuempel
Relating to the establishment and use of a private family cemetery by certain organizations.
- HB 812** King, Phil
Relating to the definition of peace officer for purposes of intercepting or collecting information in relation to certain communications in an investigation of criminal conduct.
- HB 844** Geren
Relating to the sale or lease of property by certain municipalities owning land near the shoreline of certain lakes.
- HB 858** Gonzalez, Naomi
Relating to the authority of the El Paso County Hospital District to employ and commission peace officers.
- HB 887** Geren
Relating to registration of a motor vehicle alleged to have been involved in a violation detected by a photographic traffic signal enforcement system.
- HB 890** Howard, Charlie
Relating to certain custom vehicles and street rods.
- HB 901** Thompson
Relating to spousal maintenance.
- HB 927** Harper-Brown
Relating to the punishment for the offense of indecent exposure.
- HB 969** Lewis
Relating to the election of directors of the board of the Ector County Hospital District.
- HB 976** Carter
Relating to the issuance of a warrant or summons by a magistrate.

- HB 990** Rodriguez, Eddie
Relating to certain homestead preservation reinvestment zones.
- HB 1048** Cain
Relating to the terms of the 102nd District Court in Red River County.
- HB 1057** Anchia
Relating to business leave time for certain municipal firefighters and police officers.
- HB 1061** Otto
Relating to the expiration of certain investment authority of the Teacher Retirement System of Texas.
- HB 1094** Farias
Relating to the availability on the Internet of reports of political expenditures and contributions filed in connection with certain county and municipal offices.
- HB 1103** Lucio III
Relating to payment of a fee as a required condition of community supervision for certain criminal offenses involving animal cruelty.
- HB 1112** Phillips
Relating to the authority and powers of regional mobility authorities.
- HB 1120** Weber
Relating to the dissolution of the Country Place Management District.
- HB 1123** Dutton
Relating to the regulation of athlete agents; providing administrative and criminal penalties.
- HB 1127** Gutierrez
Relating to notice of relief available to certain members of the military required to be provided in certain real property documentation.
- HB 1144** Cain
Relating to the Hopkins County Hospital District.
- HB 1168** Miller, Doug
Relating to smoke alarms and fire extinguishers in residential rental units.
- HB 1235** Schwertner
Relating to the transfer of certain state property from the Texas Department of Transportation to the Parks and Wildlife Department.
- HB 1261** Thompson
Relating to court costs imposed on conviction and deposited to the municipal court technology fund.
- HB 1267** Smithee
Relating to the authority of certain counties and intergovernmental pools to require reimbursement for punitive damage coverage.
- HB 1274** Pena
Relating to an exemption from the payment of a toll for unmarked military vehicles conducting or training for emergency operations.

- HB 1283** Craddick
Relating to consideration of a bidder's principal place of business in awarding certain municipal contracts.
- HB 1371** Gonzalez, Naomi
Relating to vehicle parking requirements in certain municipal housing authority communities.
- HB 1385** Harless
Relating to personalization of certain license plates issued to veterans with disabilities.
- HB 1403** Rodriguez, Eddie
Relating to eligibility to participate in the low-income vehicle repair assistance, retrofit, and accelerated vehicle retirement program.
- HB 1449** Guillen
Relating to certain right-of-way easements on land owned by the Parks and Wildlife Department.
- HB 1450** Guillen
Relating to a study regarding tort liability arising from a volunteer's operation of a Parks and Wildlife Department vehicle.
- HB 1488** Gutierrez
Relating to examinations for hiring in certain municipal fire departments.
- HB 1503** White
Relating to the qualifications to serve as a special peace officer at a polling place.
- HB 1514** Isaac
Relating to the issuance to veterans of specially marked driver's licenses.
- HB 1523** Phillips
Relating to the offense of transporting household goods without registration; providing a penalty.
- HB 1529** Miller, Sid
Relating to the offense of fraudulent use or possession of identifying information.
- HB 1545** Lewis
Relating to the authority of certain political subdivisions to change the date of their general elections.
- HB 1559** Davis, Sarah
Relating to the retention, storage, and destruction of certain court documents.
- HB 1566** Coleman
Relating to the authority of counties to appoint, contract for, or employ physicians, dentists, or other health care providers for county jails.
- HB 1593** Isaac
Relating to the inclusion of a candidate's e-mail address on an official application for a place on the ballot.
- HB 1627** Flynn
Relating to the eligibility requirements of election judges.

- HB 1631** Thompson
Relating to expedited credentialing for certain podiatrists providing services under a managed care plan.
- HB 1651** Alonzo
Relating to the North Oak Cliff Municipal Management District.
- HB 1665** King, Susan
Relating to the notification requirements regarding certain land use regulations in an area near military facilities.
- HB 1666** Castro
Relating to the prosecution of the offense of online impersonation.
- HB 1683** Fletcher
Relating to parking placards for vehicles of persons with disabilities.
- HB 1694** Coleman
Relating to the purchasing and contracting authority of certain governmental entities.
- HB 1711** Davis, John
Relating to disaster remediation contracts.
- HB 1721** Lucio III
Relating to protective orders for certain victims of stalking or sexual assault.
- HB 1737** Bohac
Relating to the installation of a speed feedback sign by a property owners' association.
- HB 1750** Darby
Relating to the authority of the Texas Department of Transportation to lease and contract for the operation of rolling stock during certain emergencies.
- HB 1759** Rodriguez, Eddie
Relating to the creation of the Pilot Knob Municipal Utility District No. 4; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.
- HB 1760** Rodriguez, Eddie
Relating to the creation of the Pilot Knob Municipal Utility District No. 5; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.
- HB 1767** Munoz, Jr.
Relating to the enforcement of county subdivision regulations prohibiting more than one residential dwelling on each subdivision lot; creating an offense.
- HB 1771** Madden
Relating to the establishment of the Specialty Courts Advisory Council.
- HB 1823** Harless
Relating to the authority of certain persons to execute bail bonds and act as sureties.
- HB 1841** Hartnett
Relating to the taxability of Internet hosting.
- HB 1866** Gonzalez, Naomi
Relating to the designation of State Highway 20 as a historic highway.

- HB 1896** Harper-Brown
Relating to the designation of the Irving Diamond Interchange.
- HB 1898** Pickett
Relating to optional fees for the registration of motor vehicles in certain municipalities.
- HB 1899** Pickett
Relating to the posting of signs in school crossing zones regarding the prohibited use of a wireless communication device while operating a motor vehicle.
- HB 1906** Howard, Donna
Relating to the idling of motor vehicles; providing a criminal penalty.
- HB 1936** Gutierrez
Relating to importation and shipment of alcoholic beverages for personal consumption.
- HB 1940** Perry
Relating to the requirement of a preliminary hearing for certain persons released from the Texas Department of Criminal Justice who are alleged to have violated a condition of release.
- HB 2002** Marquez
Relating to the county ethics commission for certain counties.
- HB 2033** Hamilton
Relating to the separate statement of the mixed beverage tax for informational purposes.
- HB 2047** Lewis
Relating to service of process at the registered office of certain registered agents.
- HB 2067** Callegari
Relating to the regulation of the practice of engineering by individuals engaged in the evaluation of oil and gas resources.
- HB 2080** King, Tracy O.
Relating to certification of a person as eligible for disabled parking privileges.
- HB 2091** Craddick
Relating to the authority of the State Cemetery Committee.
- HB 2108** Paxton
Relating to electronic filing and rerecording of livestock marks and brands by county clerks.
- HB 2118** Coleman
Relating to adding certain synthetic compounds to Penalty Group 2 of the Texas Controlled Substances Act.
- HB 2122** Lozano
Relating to certain state attorneys called into active duty military service.
- HB 2132** Reynolds
Relating to the creation of magistrates in certain counties.

- HB 2135** Hochberg
Relating to the administration of end-of-course assessment instruments to public school students enrolled below the high school level.
- HB 2141** Guillen
Relating to enforcement of laws related to water safety.
- HB 2144** Garza
Relating to the use of uniform election dates by newly incorporated municipalities.
- HB 2162** Kuempel
Relating to the power of the Cibolo Creek Municipal Authority to issue bonds.
- HB 2223** Davis, Yvonne
Relating to the contracts of certain regional transportation authorities that are required to be competitively bid.
- HB 2226** Truitt
Relating to authorized investments for governmental entities.
- HB 2238** Creighton
Relating to the powers and duties of the Montgomery County Municipal Utility District No. 112.
- HB 2245** Zerwas
Relating to physician incentive programs to reduce hospital emergency room use for non-emergent conditions by Medicaid recipients.
- HB 2277** Eiland
Relating to the sale, exchange, or replacement of life insurance and annuity contracts.
- HB 2286** Gonzales, Veronica
Relating to the duties of a funeral director or an agent at the interment or entombment of a human body.
- HB 2289** Crownover
Relating to the authority of a gas corporation to use a public right-of-way along a railroad, a railroad right-of-way, an interurban railroad, or a street railroad.
- HB 2327** McClendon
Relating to the establishment and operation of a motor-bus-only lane pilot program in certain counties.
- HB 2330** King, Phil
Relating to the statutory county courts in Wise County.
- HB 2344** Castro
Relating to the authority of the commissioners court of a county to create a law enforcement technology fund and to require certain defendants to pay court costs for deposit in the fund.
- HB 2346** Bonnen
Relating to authorized investments for ports and navigation districts.
- HB 2371** Kleinschmidt
Relating to the designation of a segment of State Highway 71 as the 95th Division Memorial Highway.

- HB 2385** Geren
Relating to the DNA database at the University of North Texas Health Science Center at Fort Worth.
- HB 2466** Phillips
Relating to the licensing and operation of motor vehicles by minors.
- HB 2472** Marquez
Relating to the reporting of certain warrant or capias information to the national crime information center.
- HB 2518** Kolkhorst
Relating to the transfer of certain state property from the Texas Board of Criminal Justice to the board of regents of The Texas A&M University System for the use and benefit of the Texas Forest Service.
- HB 2579** Davis, John
Relating to relief for certain employers from penalties and sanctions under the Texas Unemployment Compensation Act.
- HB 2615** Veasey
Relating to the provision of information on financial literacy resources to the public.
- HB 2725** Hartnett
Relating to the determination of incompetency in criminal cases.
- HB 2769** Frullo
Relating to the authority of the Texas Facilities Commission regarding gifts, grants, and donations.
- HB 2771** Smith, Wayne
Relating to the purchasing powers and duties of a navigation district or port authority.
- HB 2792** Hunter
Relating to the power of the Aransas County Navigation District to determine the amount of a check or bond necessary to purchase land from the district.
- HB 2793** Hunter
Relating to the processing fee charged for a dishonored payment device.
- HB 2809** Phillips
Relating to the authority of the board of the Greater Texoma Utility Authority to approve changes in a construction contract.
- HB 2859** Gallego
Relating to the creation of the Terrell County Groundwater Conservation District; providing authority to impose a tax and issue bonds.
- HB 2869** Harper-Brown
Relating to the powers and duties of certain master mixed-use property owners' associations.
- HB 2900** Hartnett
Relating to guardianship matters and proceedings.
- HB 2907** Branch
Relating to the requirements for and procedures governing tuition equalization grants.

- HB 2920** Reynolds
Relating to the authority of a governing body of a Type C General Law City to adopt an ordinance to determine the manner of when commissioners run for elected office.
- HB 2928** Farias
Relating to privileged parking for recipients of the Silver Star Medal.
- HB 2935** Castro
Relating to the appointment of a court reporter by a criminal law magistrate in Bexar County.
- HB 2936** Castro
Relating to the administration of district courts in Bexar County.
- HB 2937** Lewis
Relating to access to the criminal history record information of certain individuals by public or private institutions of higher education and the Texas Higher Education Coordinating Board.
- HB 2948** Lozano
Relating to the designation of certain highways as part of the Purple Heart Trail.
- HB 2964** Naishtat
Relating to the lease of property or hospital facilities by certain hospital districts.
- HB 2966** Naishtat
Relating to the confidentiality of certain communications and records made or collected in reference to certain sexual assault survivors.
- HB 3003** Hughes
Relating to the issuance of an identification card to certain individuals to permit entrance into certain county buildings without passing through security services.
- HB 3049** Lucio III
Relating to the designation of a portion of State Highway 499 as the Colonel Bill Card, Jr., Boulevard.
- HB 3051** Pickett
Relating to the provision of child care by certain facilities exempt from child-care licensing requirements.
- HB 3208** Burkett
Relating to the designation of a segment of U.S. Highway 80 in the town of Sunnyside as a Blue Star Memorial Highway.
- HB 3255** Strama
Relating to the creation of guidelines for the Office of the State Demographer to encourage the inclusion of a broad variety of racial/ethnic groups in estimates and projections.
- HB 3287** Giddings
Relating to license renewals by the Texas Department of Licensing and Regulation.
- HB 3421** Miller, Doug
Relating to the designation of the El Camino Real de los Tejas National Historic Trail as a historic highway.

- HB 3459** Eiland
Relating to the containment of costs incurred in the correctional health care system.
- HB 3465** Sheffield
Relating to the period for which a school district's participation in certain tax increment financing reinvestment zones may be taken into account in determining the total taxable value of property in the school district.
- HB 3470** Patrick, Diane
Relating to the Texas Armed Services Scholarship Program.
- HB 3487** Taylor, Van
Relating to regulations concerning certain service animals; providing a criminal penalty.
- HB 3531** Strama
Relating to a system for monitoring prescriptions of certain drugs under the Medicaid program for children in foster care.
- HB 3788** Marquez
Relating to the authority of a county civil service commission to administer oaths and issue subpoenas; providing a penalty.
- HB 3803** Phillips
Relating to the creation of the Cottonwood Municipal Utility District No. 2 of Grayson County; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.
- HB 3804** Gallego
Relating to the creation of the Lajitas Utility District No. 1 of Brewster County; providing authority to impose taxes and issue bonds; granting a limited power of eminent domain.
- HB 3806** Hardcastle
Relating to the authority of the board of directors of the Haskell County Hospital District to employ physicians and other health care providers.
- HB 3809** Hardcastle
Relating to the authority of the board of directors of the Muenster Hospital District to employ physicians and other health care providers.
- HB 3816** Hardcastle
Relating to the authority of the board of directors of the Nocona Hospital District to employ physicians and other health care providers.
- HB 3817** Hardcastle
Relating to the authority of the Gainesville Hospital District to employ physicians and other health care providers.
- HB 3823** Thompson
Relating to the regulation of certain telecommunicators; providing penalties.
- HCR 24** Darby
Designating Nymphaea Texas Dawn as the official State Waterlily of Texas.

- HCR 74** Landtroop
Honoring pregnancy care centers.
- HCR 99** Truitt
Requesting the lieutenant governor and the speaker to create a joint interim committee to study the benefits, including health insurance, retirement programs, and other benefits, of active and retired state employees.
- SB 416** Deuell Sponsor: Smithee
Relating to the amount of outstanding total liability of a mortgage guaranty insurer.
- SB 488** Van de Putte Sponsor: Patrick, Diane
Relating to criminal background checks on users of online dating services and to disclosures of online dating safety measures; providing a civil penalty.
- SB 605** Rodriguez Sponsor: Gallego
Relating to the creation of an appellate judicial system for the Eighth Court of Appeals District.
- SB 630** Hegar Sponsor: Isaac
Relating to the Ranch at Clear Fork Creek Municipal Utility District No. 2; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.
- SB 646** Nichols Sponsor: Cook
Relating to the continuation and functions of the Texas Forest Service.
(Amended)
- SB 692** Estes Sponsor: Miller, Doug
Relating to exemptions from groundwater conservation district permit requirements.
- SB 729** Seliger Sponsor: Price
Relating to a joint election for trustees of an independent school district.
- SB 777** Williams Sponsor: Otto
Relating to re-creating the scholarship trust fund for fifth-year accounting students as a trust fund outside the state treasury.
- SB 873** Duncan Sponsor: Hilderbran
Relating to rate and damage schedules governing certain easements or other interests in land of The University of Texas System.
- SB 874** Fraser Sponsor: Craddick
Relating to establishing a separate provider type for prosthetic and orthotic providers under the medical assistance program.
- SB 914** Wentworth Sponsor: Miller, Doug
Relating to the applicability to certain regional water districts of provisions concerning bond approval by the Texas Commission on Environmental Quality.
- SB 1230** Estes Sponsor: Crownover
Relating to the construction and operation of combined heating and power facilities in certain municipalities.
- SCR 43** Fraser Sponsor: King, Susan
Recognizing the 50th anniversary of the C-130 Hercules aircraft at Dyess Air Force Base.

SCR 44 Whitmire

Granting the legislature permission to adjourn for more than three days during the period beginning on Wednesday, April 21, 2011, and ending on Tuesday, April 26, 2011.

SCR 48 Harris Sponsor: Thompson
Recalling S.B. No. 785 from the governor for clerical correction.

THE HOUSE HAS CONCURRED IN THE SENATE AMENDMENTS TO THE FOLLOWING MEASURES:

HB 74 (145 Yeas, 0 Nays, 1 Present, not voting)

Respectfully,
/s/Robert Haney, Chief Clerk
House of Representatives

PERMISSION TO INTRODUCE BILLS
(Motion In Writing)

On motion of Senator Whitmire and by unanimous consent, Senate Rule 7.07(b) was suspended to permit the introduction of the following bills: **SB 1919**, **SB 1920**.

MOTION TO RECESS AND ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 3:59 p.m. agreed to recess, upon completion of the introduction of bills and resolutions on first reading, until 8:00 a.m. tomorrow for the Local and Uncontested Calendar Session.

The Senate further agreed to adjourn, in memory of Clifton L. Taylor, upon conclusion of the Local and Uncontested Calendar Session, until 11:30 a.m. tomorrow.

SENATE BILLS ON FIRST READING

The following bills were introduced, read first time, and referred to the committees indicated:

SB 1919 by Gallegos

Relating to the election from single-member districts of the governing body of certain populous municipalities.

To Committee on State Affairs.

SB 1920 by Gallegos

Relating to the powers of the Coastal Water Authority; affecting the authority to issue bonds.

To Committee on Business and Commerce.

HOUSE BILLS ON FIRST READING

The following bills received from the House were read first time and referred to the committees indicated:

HB 268 to Committee on Finance.

HB 385 to Committee on Criminal Justice.

HB 438 to Committee on State Affairs.
HB 602 to Committee on Business and Commerce.
HB 938 to Committee on Transportation and Homeland Security.
HB 1070 to Committee on Administration.
HB 1174 to Committee on Administration.
HB 1179 to Committee on Finance.
HB 1754 to Committee on Criminal Justice.
HB 1862 to Committee on Intergovernmental Relations.
HB 2017 to Committee on Transportation and Homeland Security.
HB 2170 to Committee on Health and Human Services.
HB 2337 to Committee on Criminal Justice.
HB 2561 to Committee on State Affairs.
HB 2680 to Committee on Business and Commerce.
HB 2694 to Committee on Natural Resources.
HB 2779 to Committee on Intergovernmental Relations.
HB 2806 to Committee on Transportation and Homeland Security.
HB 2991 to Committee on Business and Commerce.
HB 3234 to Committee on Health and Human Services.
HB 3372 to Committee on Natural Resources.
HB 3510 to Committee on Transportation and Homeland Security.
HB 3726 to Committee on Administration.

CO-AUTHOR OF SENATE BILL 1248

On motion of Senator Lucio, Senator Hinojosa will be shown as Co-author of **SB 1248**.

CO-AUTHOR OF SENATE BILL 1294

On motion of Senator Hegar, Senator Davis will be shown as Co-author of **SB 1294**.

CO-AUTHORS OF SENATE BILL 1505

On motion of Senator Uresti, Senators Davis and Hegar will be shown as Co-authors of **SB 1505**.

CO-AUTHOR OF SENATE BILL 1793

On motion of Senator Patrick, Senator Whitmire will be shown as Co-author of **SB 1793**.

CO-AUTHOR OF SENATE BILL 1798

On motion of Senator West, Senator Davis will be shown as Co-author of **SB 1798**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 855 by Hinojosa, In memory of Ted Lee Bullard.

SR 859 by Whitmire, In memory of Elizabeth Anne Smith Jones.

Congratulatory Resolutions

SR 844 by Van de Putte, Recognizing Victor Clint Graham on the occasion of his 80th birthday.

SR 848 by Whitmire, Recognizing the Northwest Preparatory Academy Charter School in Houston on the occasion of its 10th Annual Eighth Grade Promotion Ceremony.

SR 849 by Whitmire, Recognizing Saint Andrew's Episcopal Church in Houston on the occasion of its Texas Historical Marker dedication.

SR 852 by Hinojosa, Recognizing Sofia Garza for winning a Texas Media Award from the Texas Library Association.

SR 853 by Hinojosa, Recognizing David Julian Villarreal for winning a Texas Media Award from the Texas Library Association.

SR 854 by Hinojosa, Recognizing Therese Baldado for winning a Texas Media Award from the Texas Library Association.

SR 856 by Harris, Recognizing Gale Moericke for his service to the Mansfield Independent School District.

SR 857 by Harris, Recognizing Patricia Bridges Andrews for her contributions to her community and the state.

SR 858 by Jackson, Recognizing James E. Elliott on the occasion of his retirement from the United States Coast Guard.

Official Designation Resolutions

SR 826 by Van de Putte, Observing April 27, 2011, as Anti-Human Trafficking Day at the Capitol.

SR 851 by Duncan, Celebrating May 1, 2011, as Lubbock Law Day.

(Senator Williams in Chair)

RECESS

Pursuant to a previously adopted motion, the Senate at 4:11 p.m. recessed until 8:00 a.m. tomorrow for the Local and Uncontested Calendar Session.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Secretary of the Senate in the order listed:

April 27, 2011

STATE AFFAIRS — **SB 1285, SB 1286**

JURISPRUDENCE — **HB 905, HB 906, SB 1751**

CRIMINAL JUSTICE — SB 533, CSSB 841, SB 972, CSSB 1200, SB 1529, CSSB 1616

BUSINESS AND COMMERCE — CSHB 2035

REDISTRICTING — CSHB 600

JURISPRUDENCE — CSSB 1197, CSHB 984

EDUCATION — CSSB 66

NATURAL RESOURCES — HB 801, HB 1551, HB 1944, SB 1471, SB 1491

BUSINESS AND COMMERCE — CSSB 1910

CRIMINAL JUSTICE — CSSB 1059

BILLS ENGROSSED

April 26, 2011

SB 47, SB 205, SB 224, SB 518, SB 573, SB 681, SB 718, SB 811, SB 877, SB 963, SB 1024, SB 1116, SB 1177, SB 1296, SB 1383, SB 1421, SB 1489, SB 1522, SB 1551, SB 1656, SB 1662, SB 1682, SB 1693, SB 1717, SB 1872

BILLS AND RESOLUTIONS ENROLLED

April 26, 2011

SB 85, SB 323, SB 439, SB 527, SB 638, SB 1226, SB 1846, SR 742, SR 821, SR 822, SR 823, SR 824, SR 825, SR 827, SR 828, SR 829, SR 830, SR 832, SR 833, SR 834, SR 835, SR 836, SR 837, SR 838, SR 839, SR 840, SR 841, SR 842, SR 843

In Memory**of****Clifton L. Taylor****Senate Resolution 847**

WHEREAS, The Senate of the State of Texas joins the citizens of Johnson County and Texans across the state in mourning the loss of Johnson County Deputy Sheriff Clifton L. Taylor, who died in the line of duty on April 23, 2011, at the age of 31; and

WHEREAS, Deputy Sheriff Taylor had been serving and protecting the people of Johnson County as a member of the sheriff's office for three years and three months; he was greatly respected and admired by his colleagues and all who knew him, and his death is a tragic reminder of the sacrifices made daily by the members of law enforcement and their families; and

WHEREAS, An outstanding officer, Cliff Taylor was renowned for his dedication to duty, his selfless service in the community, and his strong work ethic; an engaging young man with a warm sense of humor, he was noted for his reliability, his fairness, and his compassion for others; and

WHEREAS, Cliff Taylor leaves a legacy of courage and commitment to public service, and his family, his fiancée, his colleagues in the first-responder community, and his countless friends will forever cherish their memories of his life, his loyalty, and his many achievements; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby pay tribute to the life of Johnson County Deputy Sheriff Clifton L. Taylor and extend sincere condolences to his bereaved family; and, be it further

RESOLVED, That a copy of this Resolution be prepared for his family as an expression of deepest sympathy from the Texas Senate, and that when the Senate adjourns this day, it do so in memory of Clifton L. Taylor.

BIRDWELL

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FORTY-EIGHTH DAY

(Continued)

(Thursday, April 28, 2011)

AFTER RECESS

The Senate met at 8:00 a.m. and was called to order by Senator Eltife.

**SESSION HELD FOR
LOCAL AND UNCONTESTED CALENDAR**

The Presiding Officer announced that the time had arrived to consider bills and resolutions placed on the Local and Uncontested Calendar. Notice of consideration of the local calendar was given by Senator Eltife yesterday.

Pursuant to Senate Rule 9.03(d), the following bills and resolutions were laid before the Senate in the order listed, read second time, amended where applicable, passed to engrossment or third reading, read third time, and passed. The votes on passage to engrossment or third reading, suspension of the Constitutional Three-day Rule, and final passage are indicated after each caption. All Members are deemed to have voted "Yea" on viva voce votes unless otherwise indicated.

HB 314 (Estes)

Relating to the designation of a portion of U.S. Highway 81 as the Corporal David Slaton Memorial Highway.

(viva voce vote) (31-0) (31-0)

HB 367 (Davis)

Relating to the designation of State Highway 121 in Tarrant and Johnson Counties as the Chisholm Trail Parkway.

(viva voce vote) (31-0) (31-0)

HB 1409 (Deuell)

Relating to the designation of a segment of State Highway 243 in Van Zandt County as the Veterans Memorial Parkway.

(viva voce vote) (31-0) (31-0)

CSHB 1510 (Carona)

Relating to the regulation of manufactured housing.

(viva voce vote) (31-0) (31-0)

SB 145 (Hinojosa)

Relating to student loan repayment assistance for nurses employed as faculty members at certain institutions of higher education.

(viva voce vote) (31-0) (31-0)

CSSB 373 (Duncan)

Relating to the office of county treasurer.

(viva voce vote) (31-0) (31-0)

CSSB 604 (Rodriguez)

Relating to the execution of lawful process by county jailers.

(viva voce vote) (31-0) (31-0)

SB 631 (Hinojosa)

Relating to statutory references to the common electronic infrastructure project formerly known as TexasOnline.

(viva voce vote) (31-0) (31-0)

SB 632 (Hinojosa)

Relating to the application of the Information Resources Management Act to public junior colleges and public junior college districts.

(viva voce vote) (31-0) (31-0)

CSSB 767 (Ellis)

Relating to the regulation of certain residential mortgage foreclosure consulting services; providing a criminal penalty.

(viva voce vote) (31-0) (31-0)

SB 878 (Whitmire)

Relating to a defendant's release on a personal bond or bail bond.

(viva voce vote) Hegar "Nay" (30-1) Hegar "Nay" (30-1) Hegar "Nay"

SB 879 (Whitmire)

Relating to a local community supervision and corrections department monitoring certain conditions of bond and the administrative fees associated with certain department services.

(viva voce vote) (31-0) (31-0)

SB 880 (Whitmire)

Relating to the operation of pretrial intervention and certain other programs by a community supervision and corrections department.

(viva voce vote) (31-0) (31-0)

SB 933 (Ellis)

Relating to the electronic submission of certain documents to the attorney general and the submission of certain documents by the attorney general; imposing certain fees.

(viva voce vote) (31-0) (31-0)

(Senator Rodriguez in Chair)**SB 953** (Whitmire)

Relating to the conditions for granting an occupational license to certain persons, the monitoring of those persons by a local community supervision and corrections department, and the fees associated with department services.

(viva voce vote) (31-0) (31-0)

CSSB 1159 (Wentworth)

Relating to an exception to the residency requirements for filing a suit for dissolution of a marriage in this state for certain spouses of military personnel.

(viva voce vote) (31-0) (31-0)

CSSB 1219 (Carona)

Relating to the Internet website operated by the Public Utility Commission of Texas to provide information regarding a customer's power to choose retail electric providers.

(viva voce vote) (31-0) (31-0)

CSSB 1240 (West)

Relating to a tenant's remedies regarding a local government's revocation of a certificate of occupancy due to a landlord's failure to maintain the premises.

(viva voce vote) (31-0) (31-0)

SB 1257 (Hegar)

Relating to the annexation by certain conservation and reclamation districts of noncontiguous land in another county.

(viva voce vote) (31-0) (31-0)

CSSB 1290 (Hegar)

Relating to the creation of the Calhoun County Groundwater Conservation District; providing authority to issue bonds.

(viva voce vote) (31-0) (31-0)

CSSB 1307 (Wentworth)

Relating to an exemption from the payment of a toll for unmarked military vehicles conducting or training for emergency operations.

(viva voce vote) (31-0) (31-0)

CSSB 1325 (Watson)

Relating to the administration of the Texas Save and Match Program to assist qualifying beneficiaries under the state's prepaid tuition unit program and college savings plans and to the treatment of a beneficiary's assets under a prepaid tuition program or a college savings plan in determining eligibility for student financial assistance and other assistance programs.

(viva voce vote) (31-0) (31-0)

SB 1385 (Lucio)

Relating to the authority of the chief appraiser of an appraisal district or the collector for a taxing unit to waive penalties for failing to file certain documents.

(viva voce vote) (31-0) (31-0)

CSSB 1431 (Carona)

Relating to the functions of insurance holding company systems.

(viva voce vote) (31-0) (31-0)

CSSB 1478 (Hegar)

Relating to deadlines for the Railroad Commission of Texas to review certain applications for surface coal mining operation permits.

(viva voce vote) (31-0) (31-0)

CSSB 1596 (Wentworth)

Relating to changes in participation in public utility agencies.

(viva voce vote) (31-0) (31-0)

CSSB 1619 (Duncan)

Relating to participation of public high school students in college credit programs.

(viva voce vote) (31-0) (31-0)

CSSB 1620 (Duncan)

Relating to substitution of certain career and technology courses for certain mathematics and science courses otherwise required under the recommended high school program.

(viva voce vote) (31-0) (31-0)

CSSB 1687 (Ellis)

Relating to information on turnover among licensed jailers at jails under the jurisdiction of the Commission on Jail Standards.

(viva voce vote) (31-0) (31-0)

SB 1706 (Lucio)

Relating to certain comprehensive development agreements of regional mobility authorities.

(viva voce vote) Fraser "Nay" (30-1) Fraser "Nay" (30-1) Fraser "Nay"

SB 1707 (Lucio)

Relating to certain comprehensive development agreements of regional mobility authorities.

(viva voce vote) Fraser "Nay" (30-1) Fraser "Nay" (30-1) Fraser "Nay"

SB 1708 (Lucio)

Relating to certain comprehensive development agreements of regional mobility authorities.

(viva voce vote) Fraser "Nay" (30-1) Fraser "Nay" (30-1) Fraser "Nay"

SB 1709 (Lucio)

Relating to certain comprehensive development agreements of regional mobility authorities.

(viva voce vote) Fraser "Nay" (30-1) Fraser "Nay" (30-1) Fraser "Nay"

SB 1710 (Lucio)

Relating to certain comprehensive development agreements of regional mobility authorities.

(viva voce vote) Fraser "Nay" (30-1) Fraser "Nay" (30-1) Fraser "Nay"

SB 1711 (Lucio)

Relating to certain comprehensive development agreements of regional mobility authorities.

(viva voce vote) Fraser "Nay" (30-1) Fraser "Nay" (30-1) Fraser "Nay"

CSSB 1726 (Zaffirini)

Relating to the development of measurable learning outcomes for undergraduate courses at public institutions of higher education.

(viva voce vote) (31-0) (31-0)

CSSB 1730 (Zaffirini)

Relating to requiring the Texas Higher Education Coordinating Board to create a tool to allow prospective students to compare general academic teaching institutions by certain criteria.

(viva voce vote) (31-0) (31-0)

CSSB 1755 (Van de Putte)

Relating to the issuance of certain specialty license plates.

(viva voce vote) (31-0) (31-0)

SB 1812 (Nichols)

Relating to criminal history record information of certain applicants for a certificate of registration issued by the Texas Real Estate Commission.

(viva voce vote) (31-0) (31-0)

SCR 37 (Hinojosa)

Designating August 7 as Purple Heart Day for a 10-year period beginning in 2011.

(viva voce vote)

**BILLS REMOVED FROM
LOCAL AND UNCONTESTED CALENDAR**

Senator Watson and Senator Eltife requested in writing that **SB 687** be removed from the Local and Uncontested Calendar.

Senator Wentworth and Senator Zaffirini requested in writing that **SB 1113** be removed from the Local and Uncontested Calendar.

Senator Hinojosa and Senator Eltife requested in writing that **SB 1463** be removed from the Local and Uncontested Calendar.

Senator Wentworth and Senator Eltife requested in writing that **SB 1592** be removed from the Local and Uncontested Calendar.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 8:22 a.m. adjourned, in memory of Clifton L. Taylor, until 11:30 a.m. today.

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FORTY-NINTH DAY

(Thursday, April 28, 2011)

The Senate met at 11:50 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

The President announced that a quorum of the Senate was present.

The Reverend John C. Stennfeld, Christ Lutheran Church, Austin, offered the invocation as follows:

Dear Father in heaven, we thank and praise You for this new day. We thank You that You have granted us to live in the greatest and most blessed nation on Earth and granted us to serve in this greatest and most blessed State of Texas. As our fellow citizens in this state and country suffer from recent fires, floods, and devastating storms, we ask You to bring them comfort, hope, and healing. Give to them the assurance of a brighter future and the certainty of a nation that will not abandon them in their time of need. On this day also, Lord, we praise You that You have chosen us to lead and to guide and to serve the people of this state. Help us always remember that we best lead and serve by example and through sacrifice. Forgive us for times when we have placed our desires before others' needs. Use us in this place and on this day as instruments of Your love and Your grace to benefit the people of Texas for the sake of Jesus Christ, Your son, we pray. Amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of the previous day be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

April 28, 2011
Austin, Texas

TO THE SENATE OF THE EIGHTY-SECOND LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be members of the State Employee Charitable Campaign Policy Committee for terms to expire January 1, 2012:

Gregory "Greg" Davidson
Lexington, Texas
(replacing Jason Patteson of Austin who resigned)

Cecile Erwin Young
Austin, Texas
(replacing Carol Treadway of Austin who resigned)

Respectfully submitted,
/s/Rick Perry
Governor

MESSAGE FROM THE HOUSE

HOUSE CHAMBER
Austin, Texas
Thursday, April 28, 2011 - 1

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HB 38 Menendez

Relating to the criminal penalty for and certain civil consequences of damaging property with graffiti.

HB 127 Alvarado

Relating to the types of beverages that may be sold to students on public school campuses.

HB 273 Zerwas

Relating to creation of a study committee for the Interstate Health Care Compact.

- HB 598** Jackson, Jim
Relating to requiring certain applicants for motor vehicle registration to provide proof that the applicant holds a valid driver's license.
- HB 736** Patrick, Diane
Relating to required online information regarding public institutions of higher education.
- HB 1029** Carter
Relating to the conditions of release on bond for certain defendants charged with the offense of burglary.
- HB 1146** Kuempel
Relating to the registration and regulation of appraisal management companies and the composition of the Texas Appraiser Licensing and Certification Board; providing penalties.
- HB 1451** Thompson
Relating to the licensing and regulation of certain dog and cat breeders; providing penalties.
- HB 1648** Smith, Wayne
Relating to the purchase of plastic bulk merchandise containers by certain businesses; providing a civil penalty.
- HB 1812** Phillips
Relating to the type of newspaper required for publication of notice in certain counties.
- HB 1853** Hamilton
Relating to the licensing and regulation of certain employees of fire protection sprinkler system contractors; providing a penalty.
- HB 1933** Smith, Wayne
Relating to the regulation of metal recycling entities; providing penalties.
- HB 2004** Bonnen
Relating to the sale of certain state property in Brazoria County by the Texas Board of Criminal Justice.
- HB 2133** Solomons
Relating to the Public Utility Commission of Texas' authority to disgorge revenue obtained as a result of certain violations; providing an administrative penalty.
- HB 2229** Coleman
Relating to the creation of the Texas HIV Medication Advisory Committee.
- HB 2342** Truitt
Relating to certain violations of and offenses under The Securities Act; providing penalties.
- HB 2403** Otto
Relating to retailers engaged in business in this state for purposes of sales and use taxes.

HB 2476 Harless
Relating to the appraisal for ad valorem tax purposes of certain dealer's heavy equipment inventory; providing penalties.

HB 2482 Pena
Relating to the prosecution of and punishment for certain offenses involving theft.

HB 2575 Phillips
Relating to the Texas Department of Motor Vehicles' electronic lien system.

HB 2623 Beck
Relating to certain energy security technologies for critical governmental facilities.

HB 2624 Sheffield
Relating to procedures applicable in circumstances involving family violence or other criminal conduct and military personnel.

HB 3272 Burnam
Relating to the low-income vehicle repair assistance, retrofit, and accelerated vehicle retirement program.

HCR 90 Miller, Sid
Urging Congress to provide a comprehensive public alert warning system.

THE HOUSE HAS GRANTED THE REQUEST OF THE SENATE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

SB 18 (non-record vote)
House Conferees: Geren - Chair/Hardcastle/Oliveira/Ritter/Sheffield

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

BILLS AND RESOLUTIONS SIGNED

The President announced the signing of the following enrolled bills and resolutions in the presence of the Senate after the captions had been read:

SB 416, SB 488, SB 605, SB 630, SB 692, SB 729, SB 777, SB 873, SB 874, SB 914, SB 1230, SCR 43, SCR 44, SCR 48, HB 74, HCR 32, HCR 109, HCR 137.

INTRODUCTION OF BILLS AND RESOLUTIONS POSTPONED

The President announced that the introduction of bills and resolutions on first reading would be postponed until the end of today's session.

There was no objection.

SENATE RESOLUTION 860

Senator Rodriguez offered the following resolution:

WHEREAS, The Senate of the State of Texas joins Texans across the state in observing April 28, 2011, as Workers' Memorial Day; and

WHEREAS, Workers' Memorial Day is an internationally recognized day of remembrance for workers who have died while performing their jobs; and

WHEREAS, More workers in the construction industry are killed on the job than in any other sector of the economy, and more construction workers die in Texas than any other state, with 138 Texans dying on the job in 2009 alone; and

WHEREAS, The construction industry is one of the most important components of the Texas economy, providing more than \$29.2 billion in wages each year and generating more than 600,000 jobs; workers in every field can safely perform their jobs if the highest standards of workplace safety are upheld and if all workers receive the training and equipment necessary to keep them safe on the job; and

WHEREAS, It is truly fitting that a day be set aside to remember and honor those men and women who have given their lives while building our state; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby pay tribute to the men and women who have lost their lives on the job and call on all Texans to observe April 28, 2011, as Workers' Memorial Day; and, be it further

RESOLVED, That a copy of this Resolution be prepared in honor of this special day.

SR 860 was read and was adopted without objection.

GUESTS PRESENTED

Senator Rodriguez was recognized and introduced to the Senate Guadalupe Torres, Hector Hernandez, Fernando Adame, the Reverend Jim Stockton, and Juan Gutierrez.

The Senate welcomed its guests.

SENATE CONCURRENT RESOLUTION 46

The President laid before the Senate the following resolution:

WHEREAS, The University of Texas MD Anderson Cancer Center is marking its 70th anniversary in 2011, and this occasion provides an ideal opportunity to recognize the remarkable achievements of this noteworthy institution; and

WHEREAS, Over the past seven decades, MD Anderson has served more than 800,000 people, the majority of whom have been Texas residents, and patients in every corner of the world have benefited from medical discoveries at the center; public education and community outreach programs initiated by MD Anderson now reach more than 1.4 million Texans annually and address the needs of those at increased risk for cancer, particularly underserved and minority populations; and

WHEREAS, For many years, MD Anderson has received more grants from the National Cancer Institute and conducted more clinical trials to evaluate new treatments than any other institution; the center sets the standard in developing new therapies targeted to the cancer-related genes and proteins associated with each patient's disease; moreover, MD Anderson has expanded the continuum of care beyond diagnosis and treatment of cancer patients to encompass major programs in cancer prevention and to address the special needs of cancer survivors; and

WHEREAS, Rising to meet the health care challenges of the 21st century, MD Anderson excels as a degree-granting institution; it awards baccalaureate degrees in eight allied health disciplines and master's and doctoral degrees in biomedical research; more than 85,000 physicians, scientists, nurses, and health care professionals have been trained at the center; and

WHEREAS, President John Mendelsohn, M.D., has guided MD Anderson for the past 15 years, building on the strong foundation built by his predecessors, Charles A. LeMaistre, M.D., and R. Lee Clark, M.D.; Dr. Mendelsohn provides inspired leadership to a staff of more than 17,000 dedicated professionals, along with approximately 1,200 hospital volunteers; their efforts are supported by the skillful direction of The University of Texas System Board of Regents, the work of citizen volunteers of The University Cancer Foundation Board of Visitors, and the generosity of thousands of donors; and

WHEREAS, Internationally recognized for its excellence, The University of Texas MD Anderson Cancer Center has been named the nation's number one cancer hospital by *US News & World Report*; the exceptional reputation of this institution is a reflection of its immeasurable contributions to the advancement of medical science and of the outstanding care that has made a positive difference in the lives of hundreds of thousands of patients and their families over the past seven decades; now, therefore, be it

RESOLVED, That the 82nd Legislature of the State of Texas hereby commemorate the 70th anniversary of The University of Texas MD Anderson Cancer Center and extend to all those associated with the institution sincere best wishes for continued success in their vital endeavors; and, be it further

RESOLVED, That an official copy of this resolution be prepared for The University of Texas MD Anderson Cancer Center as an expression of high regard by the Texas Senate and House of Representatives.

ELLIS

SCR 46 was read.

On motion of Senator Lucio and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Ellis, the resolution was considered immediately and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of the resolution.

GUESTS PRESENTED

Senator Ellis was recognized and introduced to the Senate a delegation from The University of Texas MD Anderson Cancer Center: John Mendelsohn, President; Raymond DuBois, Provost and Executive Vice-president; Leon J. Leach, Executive Vice-president; Thomas Burke, Executive Vice-president and Physician-in-Chief; and Anne Mendelsohn.

The Senate welcomed its guests.

CONCLUSION OF MORNING CALL

The President at 12:39 p.m. announced the conclusion of morning call.

(Senator Eltife in Chair)

GUESTS PRESENTED

Senator Nelson was recognized and introduced to the Senate Texas A&M University Agricultural and Natural Resources Policy Internship Program participants.

The Senate welcomed its guests.

SENATE BILL 568 ON SECOND READING

Senator Williams moved to suspend the regular order of business to take up for consideration **SB 568** at this time on its second reading:

SB 568, Relating to access by a public institution of higher education to the criminal history record information of certain persons seeking to reside in on-campus housing.

The motion prevailed.

Senator Hegar asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Hegar.

SENATE BILL 568 ON THIRD READING

Senator Williams moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 568** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Hegar, Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 568**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the

requirement of the Texas Constitution, third reading and a vote on **SB 568** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1.

Nays: Hegar.

COMMITTEE SUBSTITUTE SENATE BILL 738 ON SECOND READING

Senator Shapiro moved to suspend the regular order of business to take up for consideration **CSSB 738** at this time on its second reading:

CSSB 738, Relating to a parental role in determining sanctions applied to a public school campus under certain circumstances.

The motion prevailed.

Senator Watson asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Watson.

COMMITTEE SUBSTITUTE SENATE BILL 738 ON THIRD READING

Senator Shapiro moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 738** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, West, Whitmire, Williams, Zaffirini.

Nays: Watson, Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 738**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 738** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1.

Nays: Watson.

SENATE BILL 1668 ON SECOND READING

On motion of Senator Duncan and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1668** at this time on its second reading:

SB 1668, Relating to purchase of service credit in the Teacher Retirement System of Texas.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 1668 ON THIRD READING

Senator Duncan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1668** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 1668**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has

already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 1668** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE JOINT RESOLUTION 4 ON SECOND READING

Senator Hinojosa moved to suspend the regular order of business to take up for consideration **SJR 4** at this time on its second reading:

SJR 4, Proposing a constitutional amendment providing for the issuance of additional general obligation bonds by the Texas Water Development Board.

The motion prevailed.

Senator Ogden asked to be recorded as voting "Nay" on suspension of the regular order of business.

The resolution was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Ogden.

SENATE JOINT RESOLUTION 4 ON THIRD READING

Senator Hinojosa moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SJR 4** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Ogden, Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SJR 4**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The

suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SJR 4** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The resolution was read third time and was passed by the following vote: Yeas 30, Nays 1.

Nays: Ogden.

COMMITTEE SUBSTITUTE SENATE BILL 1796 ON SECOND READING

On motion of Senator Van de Putte and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1796** at this time on its second reading:

CSSB 1796, Relating to the creation of the Texas Coordinating Council for Veterans Services.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 1796 ON THIRD READING

Senator Van de Putte moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1796** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1796**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1796** would

have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1294 ON SECOND READING

Senator Hegar moved to suspend the regular order of business to take up for consideration **SB 1294** at this time on its second reading:

SB 1294, Relating to the imposition of administrative penalties by the Railroad Commission of Texas.

The motion prevailed.

Senator Patrick asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Patrick.

SENATE BILL 1294 ON THIRD READING

Senator Hegar moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1294** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Patrick, Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 1294**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has

already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 1294** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1.

Nays: Patrick.

SENATE BILL 1302 ON SECOND READING

On motion of Senator Deuell and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1302** at this time on its second reading:

SB 1302, Relating to the offense of paying or receiving certain forms of compensation for assisting voters who vote early by mail; providing criminal penalties.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 1302 ON THIRD READING

Senator Deuell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1302** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 1302**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 1302** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed.

Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE SENATE BILL 4 ON SECOND READING

Senator Shapiro moved to suspend the regular order of business to take up for consideration **CSSB 4** at this time on its second reading:

CSSB 4, Relating to certification, performance, continuing education, and appraisal of public school teachers.

The motion prevailed.

Senators Davis, Ellis, Gallegos, Hinojosa, Uresti, Van de Putte, Watson, and Zaffirini asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Shapiro offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 4** (senate committee printing) as follows:

(1) In SECTION 5 of the bill, adding Section 21.351(a-1), Education Code (page 2, line 66), strike "at least 35 percent" and substitute "not less than 30 percent or more than 50 percent".

(2) In SECTION 5 of the bill, adding Section 21.351(a-1), Education Code (page 2, line 67), strike "and" and substitute "including".

(3) In SECTION 5 of the bill, adding Section 21.351(a-1), Education Code (page 2, line 69), between "the" and "measures" insert "multiple".

(4) In SECTION 5 of the bill, adding Section 21.351(a-1), Education Code (page 3, line 1), after the period, add "The performance of a teacher's students on assessment instruments required under Subchapter B, Chapter 39, may not be the primary indicator for determining teacher effectiveness. The recommended appraisal process must provide a method for determining the effectiveness of teachers who do not teach a subject in which assessment instruments under Subchapter B, Chapter 39, are administered."

(5) In SECTION 5 of the bill, adding Section 21.351(f), Education Code (page 3, line 6), strike "2013" and substitute "2016".

(6) In SECTION 5 of the bill, adding Section 21.351(f), Education Code (page 3, line 11), between the period and "The", insert "Before the commissioner adopts rules required by this subsection, the commissioner must develop, validate, and test the proposals regarding the redesign of the recommended appraisal process. The

commissioner may initiate pilot projects to implement and test redesign proposals, which may address different aspects of the redesign and different methods for determining teacher effectiveness."

(7) In SECTION 5 of the bill, adding Section 21.351(f), Education Code (page 3, line 19), strike "and" and substitute "including".

(8) In SECTION 5 of the bill, adding Section 21.351(f), Education Code (page 3, line 19), strike "2013" and substitute "2016".

(9) In SECTION 9 of the bill, strike added Section 21.358, Education Code (page 4, lines 10-17), and substitute the following:

Sec. 21.358. QUALIFICATIONS OF APPRAISERS. The commissioner shall adopt rules regarding the minimum qualifications necessary for a person who conducts teacher appraisals. The rules must require that the appraiser be highly qualified to assess instructional quality and demonstrate instructional leadership.

(10) In SECTION 11 of the bill (page 4, lines 28 and 32-33), strike "the effective date of this Act" each place it occurs and substitute "September 1, 2013".

(11) In SECTION 11 of the bill (page 4, lines 30 and 31-32), strike "the effective date of this Act" each place it occurs and substitute "September 1, 2013,".

(12) In SECTION 12 of the bill (page 4, line 37), strike "This Act takes effect September 1, 2011." and substitute the following: "(a) Except as provided by Subsection (b) of this section, this Act takes effect September 1, 2011.

(b) Sections 21.0521, 21.0522, 21.0523, and 21.4581, Education Code, as added by this Act, take effect September 1, 2013."

The amendment to **CSSB 4** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Shapiro and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 4 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Davis, Ellis, Gallegos, Hinojosa, Uresti, Van de Putte, Watson, Zaffirini.

COMMITTEE SUBSTITUTE SENATE BILL 4 ON THIRD READING

Senator Shapiro moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 4** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 6.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Williams.

Nays: Davis, Ellis, Gallegos, Hinojosa, Wentworth, Zaffirini.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 4**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 4** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 23, Nays 8.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Wentworth, West, Whitmire, Williams.

Nays: Davis, Ellis, Gallegos, Hinojosa, Uresti, Van de Putte, Watson, Zaffirini.

SENATE BILL 736 ON SECOND READING

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 736** at this time on its second reading:

SB 736, Relating to membership and duties of local school health advisory councils.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 736 ON THIRD READING

Senator Hinojosa moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 736** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 736**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 736** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE SENATE JOINT RESOLUTION 50 ON SECOND READING

Senator West moved to suspend the regular order of business to take up for consideration **CSSJR 50** at this time on its second reading:

CSSJR 50, Proposing a constitutional amendment providing for the issuance of general obligation bonds of the state to finance educational loans to students.

The motion prevailed.

Senators Hegar, Nelson, Ogden, and Seliger asked to be recorded as voting "Nay" on suspension of the regular order of business.

The resolution was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Hegar, Nelson, Ogden, Seliger.

COMMITTEE SUBSTITUTE SENATE JOINT RESOLUTION 50 ON THIRD READING

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSJR 50** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 5.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hinojosa, Huffman, Jackson, Lucio, Nichols, Patrick, Rodriguez, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Hegar, Nelson, Ogden, Seliger, Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSJR 50**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSJR 50** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The resolution was read third time and was passed by the following vote: Yeas 27, Nays 4.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hinojosa, Huffman, Jackson, Lucio, Nichols, Patrick, Rodriguez, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Hegar, Nelson, Ogden, Seliger.

COMMITTEE SUBSTITUTE SENATE BILL 1799 ON SECOND READING

Senator West moved to suspend the regular order of business to take up for consideration **CSSB 1799** at this time on its second reading:

CSSB 1799, Relating to the student loan program administered by the Texas Higher Education Coordinating Board; authorizing the issuance of bonds.

The motion prevailed.

Senators Hegar, Nelson, Ogden, and Seliger asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Hegar, Nelson, Ogden, Seliger.

**COMMITTEE SUBSTITUTE
SENATE BILL 1799 ON THIRD READING**

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1799** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 5.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hinojosa, Huffman, Jackson, Lucio, Nichols, Patrick, Rodriguez, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Hegar, Nelson, Ogden, Seliger, Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1799**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1799** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 27, Nays 4.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hinojosa, Huffman, Jackson, Lucio, Nichols, Patrick, Rodriguez, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Hegar, Nelson, Ogden, Seliger.

**COMMITTEE SUBSTITUTE
SENATE BILL 529 ON SECOND READING**

Senator Huffman moved to suspend the regular order of business to take up for consideration **CSSB 529** at this time on its second reading:

CSSB 529, Relating to the regulation of motor vehicle dealers, manufacturers, distributors, and representatives.

The motion prevailed.

Senators Ellis and Watson asked to be recorded as "Present-not voting" on suspension of the regular order of business.

The bill was read second time.

Senator Huffinan offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 529** as follows:

(1) In SECTION 4 of the bill, in Section 2301.4651, Occupations Code (Committee printing page 3, lines 14-22), strike Subsection (d) and substitute the following:

(d) The amounts to be paid under Subsection (b)(1) or (2) to the dealer by a manufacturer, distributor, or representative shall be based on the percentage of the total square footage of the dealership attributable to sales, service, and parts suggested by a manufacturer or distributor and allocated to the franchise being terminated or discontinued at the time of the termination or discontinuance.

(2) In SECTION 5 of the bill, in Subsection (b-1), Section 2301.467, Occupations Code (Committee printing page 3, line 57), following "(b-1)", strike "It is" and substitute "Except as necessary to comply with health or safety laws or to comply with technology requirements necessary to sell or service a line-make, it is".

(3) In SECTION 5 of the bill, in Subsection (b-2), Section 2301.467, Occupations Code (Committee printing page 3, line 66), following "(b-2)", strike "It is" and substitute "Except as necessary to comply with health or safety laws or to comply with technology requirements necessary to sell or service a line-make, it is".

(4) In SECTION 6 of the bill, in the heading to Section 2301.4671, Occupations Code (Committee printing page 4, line 17), between "Sec. 2301.4671." and "RESTRICTION" insert "FRANCHISE PROVISION ESTABLISHING".

(5) In the recital to SECTION 11 of the bill (Committee printing page 5, line 9), strike "and 2301.481" and substitute ", 2301.481, and 2301.482".

(6) In SECTION 11 of the bill, add the following after added Section 2301.481, Occupations Code (Committee printing page 5 between lines 47 and 48):

Sec. 2301.482. CERTAIN PROPERTY USE AGREEMENTS.

(a) Notwithstanding Section 2301.481(b)(1), and subject to this section, a dealer may enter into a property use agreement for cash consideration that grants the manufacturer or distributor the exclusive rights to direct the use of the dealership.

(b) In the event the dealer breaches the terms of the property use agreement described by Subsection (a) by altering the use of the property during the term of the agreement in violation of the agreement, the property use agreement is terminated and the dealer must reimburse the manufacturer or distributor in an amount determined by dividing the amount of the manufacturer's or distributor's cash consideration provided under Subsection (a) by the market value of the property identified in the original property use agreement at the time any necessary real estate has been purchased and any necessary construction has been completed, and multiplying the resulting quotient by the market value of the property at the time of the breach.

(c) For purposes of this section, the market value of property is to be determined by three appraisers chosen as follows:

(1) one selected by the affected manufacturer or distributor;

(2) one selected by the affected dealer; and

(3) one selected by mutual agreement of the manufacturer or distributor and the dealer.

The amendment to **CSSB 529** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Huffman and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 529 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Present-not voting: Ellis, Watson.

COMMITTEE SUBSTITUTE SENATE BILL 529 ON THIRD READING

Senator Huffman moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 529** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1, Present-not voting 2.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, West, Whitmire, Williams, Zaffirini.

Nays: Wentworth.

Present-not voting: Ellis, Watson.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 529**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 529** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed.

Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0, Present-not voting 2.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Wentworth, West, Whitmire, Williams, Zaffirini.

Present-not voting: Ellis, Watson.

REASON FOR VOTE

Senator Watson submitted the following reason for vote on **CSSB 529**:

I am registering Present and Not Voting on the Committee Substitute to Senate Bill 529, as amended, because of a business relationship I have and my desire to avoid even the appearance of a conflict of interest.

WATSON

COMMITTEE SUBSTITUTE

SENATE JOINT RESOLUTION 5 ON SECOND READING

Senator Ogden moved to suspend the regular order of business to take up for consideration **CSSJR 5** at this time on its second reading:

CSSJR 5, Proposing a constitutional amendment relating to increasing the market value of the permanent school fund for the purpose of allowing increased distributions from the available school fund.

The motion prevailed.

Senators Carona and Hegar asked to be recorded as voting "Nay" on suspension of the regular order of business.

The resolution was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Carona, Hegar.

COMMITTEE SUBSTITUTE

SENATE JOINT RESOLUTION 5 ON THIRD READING

Senator Ogden moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSJR 5** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 3.

Yeas: Birdwell, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Carona, Hegar, Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSJR 5**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSJR 5** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The resolution was read third time and was passed by the following vote: Yeas 29, Nays 2.

Yeas: Birdwell, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Carona, Hegar.

COMMITTEE SUBSTITUTE SENATE BILL 365 ON SECOND READING

On motion of Senator Ogden and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 365** at this time on its second reading:

CSSB 365, Relating to distributed generation of electric power.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 365 ON THIRD READING**

Senator Ogden moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 365** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 365**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 365** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1669 ON SECOND READING

On motion of Senator Duncan and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1669** at this time on its second reading:

SB 1669, Relating to the resumption of service by retirees under the Teacher Retirement System of Texas.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 1669 ON THIRD READING

Senator Duncan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1669** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 1669**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 1669** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE SENATE BILL 462 ON SECOND READING

Senator West moved to suspend the regular order of business to take up for consideration **CSSB 462** at this time on its second reading:

CSSB 462, Relating to the expunction of records and files relating to a person's arrest.

The motion prevailed.

Senators Birdwell, Fraser, Harris, Huffman, Nelson, Nichols, Patrick, and Williams asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to engrossment by the following vote: Yeas 23, Nays 8.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Gallegos, Hegar, Hinojosa, Jackson, Lucio, Ogden, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Zaffirini.

Nays: Birdwell, Fraser, Harris, Huffman, Nelson, Nichols, Patrick, Williams.

SENATE BILL 1734 ON SECOND READING

On motion of Senator Van de Putte and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1734** at this time on its second reading:

SB 1734, Relating to tuition and fee exemptions at public institutions of higher education for certain Texas military veterans.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 1734 ON THIRD READING

Senator Van de Putte moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1734** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 1734**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 1734** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE SENATE BILL 1319 ON SECOND READING

Senator Lucio moved to suspend the regular order of business to take up for consideration **CSSB 1319** at this time on its second reading:

CSSB 1319, Relating to certain loans secured by a lien on residential real property and to other transactions involving residential real property; providing civil penalties.

The motion prevailed.

Senator Nichols asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Nichols.

**COMMITTEE SUBSTITUTE
SENATE BILL 1319 ON THIRD READING**

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1319** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Nichols, Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1319**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1319** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1.

Nays: Nichols.

**COMMITTEE SUBSTITUTE
SENATE BILL 1320 ON SECOND READING**

On motion of Senator Lucio and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1320** at this time on its second reading:

CSSB 1320, Relating to the execution of deeds conveying residential real estate in connection with certain transactions involving residential real estate.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1320 ON THIRD READING**

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1320** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1320**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1320** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 506 ON SECOND READING**

Senator Deuell moved to suspend the regular order of business to take up for consideration **CSSB 506** at this time on its second reading:

CSSB 506, Relating to consumption advisories for mercury contamination in fish, crustaceans, molluscan shellfish, and other aquatic and terrestrial animals.

The motion prevailed.

Senators Birdwell, Harris, Huffman, Nelson, Nichols, Shapiro, and Williams asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Birdwell, Harris, Huffman, Nelson, Nichols, Shapiro, Williams.

**MOTION TO PLACE
COMMITTEE SUBSTITUTE
SENATE BILL 1580 ON SECOND READING**

Senator Ogden moved to suspend the regular order of business to take up for consideration **CSSB 1580** at this time on its second reading:

CSSB 1580, Relating to state fiscal matters related to health and human services and state agencies administering health and human services programs.

The motion was lost by the following vote: Yeas 11, Nays 20.

Yeas: Deuell, Duncan, Eltife, Hinojosa, Lucio, Nelson, Ogden, Patrick, Shapiro, Wentworth, Williams.

Nays: Birdwell, Carona, Davis, Ellis, Estes, Fraser, Gallegos, Harris, Hegar, Huffman, Jackson, Nichols, Rodriguez, Seliger, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

(President in Chair)

(Senator Seliger in Chair)

(President in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 1582 ON SECOND READING**

Senator Ogden moved to suspend the regular order of business to take up for consideration **CSSB 1582** at this time on its second reading:

CSSB 1582, Relating to state fiscal matters related to the judiciary.

The motion prevailed by the following vote: Yeas 23, Nays 8.

Yeas: Deuell, Duncan, Eltife, Estes, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Wentworth, West, Whitmire, Williams.

Nays: Birdwell, Carona, Davis, Ellis, Fraser, Gallegos, Watson, Zaffirini.

The bill was read second time.

Senator Ogden offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1582** (senate committee printing) by striking ARTICLE 1 of the bill (page 1, lines 11 through 38) and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly.

The amendment to **CSSB 1582** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

Senator Ellis offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 1582** (senate committee printing) by striking Article 5 of the bill (page 2, line 67, through page 3, line 30).

The amendment to **CSSB 1582** was read.

On motion of Senator Ogden, Floor Amendment No. 2 was tabled by the following vote: Yeas 20, Nays 11.

Yeas: Birdwell, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Hinojosa, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Uresti, Wentworth, Williams.

Nays: Carona, Davis, Ellis, Gallegos, Lucio, Rodriguez, Van de Putte, Watson, West, Whitmire, Zaffirini.

Senator Rodriguez offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 1582** (senate committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . FISCAL MATTERS REGARDING BASIC CIVIL LEGAL SERVICES, INDIGENT DEFENSE, AND JUDICIAL TECHNICAL SUPPORT

SECTION ____ .01. Subchapter A, Chapter 22, Government Code, is amended by adding Section 22.016 to read as follows:

Sec. 22.016. JUDICIAL ACCESS AND IMPROVEMENT ACCOUNT. (a) The judicial access and improvement account is an account in the general revenue fund.

(b) Subject to Subsection (d), money in the judicial access and improvement account shall be appropriated only as provided by this section. The supreme court may use an amount determined by the supreme court, which annually may not exceed \$1 million, to phase in electronic filing and retrieval in courts in this state. The remainder of the money in the account shall be divided as follows:

(1) an amount equal to 70 percent of the remainder shall be deposited to the credit of the basic civil legal services account of the judicial fund established under Section 51.943 for use in programs approved by the supreme court that provide basic civil legal services to indigents; and

(2) an amount equal to 30 percent of the remainder shall be deposited to the credit of the fair defense account established under Section 71.058.

(c) The supreme court in consultation with the judicial committee on information technology may enter into an agreement with the Office of Court Administration of the Texas Judicial System to implement the electronic filing and retrieval in courts of this state authorized under Subsection (b), including acquiring the necessary technology, software, and data storage.

(d) The comptroller may retain two percent of the money remitted to the comptroller for deposit in the judicial access and improvement account. The comptroller shall use the money to audit and administer fund balances and to ensure the timely deposit of money in accounts as required by this section.

(e) Section 403.095 does not apply to money dedicated under this section.

SECTION __.02. Section 101.0615, Government Code, is amended to read as follows:

Sec. 101.0615. DISTRICT COURT FEES AND COSTS: LOCAL GOVERNMENT CODE. The clerk of a district court shall collect fees and costs under the Local Government Code as follows:

(1) additional filing fees:

(A) for each civil suit filed, for court-related purposes for the support of the judiciary and for civil legal services to an indigent:

(i) for family law cases and proceedings as defined by Section 25.0002, Government Code (Sec. 133.151, Local Government Code) . . . \$45; or

(ii) for any case other than a case described by Subparagraph (i) (Sec. 133.151, Local Government Code) . . . \$50; and

(B) on the filing of any civil action or proceeding requiring a filing fee, including an appeal, and on the filing of any counterclaim, cross-action, intervention, interpleader, or third-party action requiring a filing fee, to fund civil legal services for the indigent:

(i) for family law cases and proceedings as defined by Section 25.0002, Government Code (Sec. 133.152, Local Government Code) . . . \$15 [~~\$5~~]; or

(ii) for any case other than a case described by Subparagraph (i) (Sec. 133.152, Local Government Code) . . . \$20 [~~\$10~~];

(2) additional filing fee to fund the courthouse security fund, if authorized by the county commissioners court (Sec. 291.008, Local Government Code) . . . not to exceed \$5;

(3) additional filing fee for filing documents not subject to certain filing fees to fund the courthouse security fund, if authorized by the county commissioners court (Sec. 291.008, Local Government Code) . . . \$1;

(4) additional filing fee to fund the courthouse security fund in Webb County, if authorized by the county commissioners court (Sec. 291.009, Local Government Code) . . . not to exceed \$20;

(5) court cost in civil cases other than suits for delinquent taxes to fund the county law library fund, if authorized by the county commissioners court (Sec. 323.023, Local Government Code) . . . not to exceed \$35; and

(6) on the filing of a civil suit, an additional filing fee to be used for court-related purposes for the support of the judiciary (Sec. 133.154, Local Government Code) . . . \$42.

SECTION __.03. Subchapter F, Chapter 102, Government Code, is amended by adding Section 102.1035 to read as follows:

Sec. 102.1035. ADDITIONAL COURT COSTS ON CONVICTION IN JUSTICE COURT: LOCAL GOVERNMENT CODE. A clerk of a justice court shall collect from a defendant a court cost of \$5 under Section 133.108, Local Government Code, on conviction of an offense, other than an offense relating to a pedestrian or the parking of a motor vehicle.

SECTION __.04. Subchapter G, Chapter 102, Government Code, is amended by adding Section 102.1215 to read as follows:

Sec. 102.1215. ADDITIONAL COURT COSTS ON CONVICTION IN MUNICIPAL COURT: LOCAL GOVERNMENT CODE. A clerk of a municipal court shall collect from a defendant a court cost of \$5 under Section 133.108, Local Government Code, on conviction of an offense, other than an offense relating to a pedestrian or the parking of a motor vehicle.

SECTION __.05. Subchapter B, Chapter 403, Government Code, is amended by adding Section 403.0306 to read as follows:

Sec. 403.0306. FEES AND COSTS ASSESSED FOR JUDICIAL ACCESS AND IMPROVEMENT ACCOUNT. Notwithstanding any other law, if in any state fiscal biennium the legislature:

(1) does not appropriate any money to the judicial access and improvement account for the purposes provided by Section 22.016:

(A) the comptroller and the office of court administration shall notify each clerk of a justice or municipal court, as appropriate, not to assess fees and court costs under Sections 102.1035 and 102.1215 of this code and Section 133.108, Local Government Code, during the state fiscal biennium; and

(B) a clerk of a justice or municipal court may not assess fees and court costs under Sections 102.1035 and 102.1215 of this code and Section 133.108, Local Government Code, during the state fiscal biennium; or

(2) appropriates only a portion of the money to the judicial access and improvement account for the purposes provided by Section 22.016:

(A) the comptroller and the office of court administration shall:

(i) proportionally adjust the amount of the fees and court costs to be assessed under Sections 102.1035 and 102.1215 of this code and Section 133.108, Local Government Code, during the state fiscal biennium; and

(ii) notify each clerk of a justice or municipal court, as appropriate, of the amount of the fees and court costs to be assessed under Sections 102.1035 and 102.1215 of this code and Section 133.108, Local Government Code, during the state fiscal biennium; and

(B) a clerk of a justice or municipal court shall assess the amount of the fees and court costs determined by the comptroller under Paragraph (A) during the state fiscal biennium.

SECTION __.06. Section 133.003, Local Government Code, is amended to read as follows:

Sec. 133.003. CRIMINAL FEES. This chapter applies to the following criminal fees:

- (1) the consolidated fee imposed under Section 133.102;
- (2) the time payment fee imposed under Section 133.103;

(3) fees for services of peace officers employed by the state imposed under Article 102.011, Code of Criminal Procedure, and forwarded to the comptroller as provided by Section 133.104;

(4) costs on conviction imposed in certain statutory county courts under Section 51.702, Government Code, and deposited in the judicial fund;

(5) costs on conviction imposed in certain county courts under Section 51.703, Government Code, and deposited in the judicial fund;

(6) the administrative fee for failure to appear or failure to pay or satisfy a judgment imposed under Section 706.006, Transportation Code;

(7) fines on conviction imposed under Section 621.506(g), Transportation Code;

(8) the fee imposed under Article 102.0045, Code of Criminal Procedure;

(9) the cost on conviction imposed under Section 133.105 and deposited in the judicial fund; ~~and~~

(10) the cost on conviction imposed under Section 133.107; and

(11) the cost on conviction imposed under Section 133.108.

SECTION .07. Section 133.058, Local Government Code, is amended by adding Subsection (c-1) to read as follows:

(c-1) A municipality or county may retain five percent of the money collected as a fee under Section 133.108.

SECTION .08. Subchapter C, Chapter 133, Local Government Code, is amended by adding Section 133.108 to read as follows:

Sec. 133.108. FEE FOR JUDICIAL ACCESS AND IMPROVEMENT. (a) A person convicted in a municipal or justice court of an offense, other than an offense relating to a pedestrian or the parking of a motor vehicle, shall pay as a court cost, in addition to other costs, a fee of \$5 to be used to fund basic civil legal services and criminal defense for indigents and electronic filing in courts in this state through the judicial access and improvement account established under Section 22.016, Government Code.

(b) The treasurer shall remit the fees collected under this section to the comptroller in the manner provided by Subchapter B. The comptroller shall credit the remitted fees to the credit of the judicial access and improvement account established under Section 22.016, Government Code.

SECTION .09. Section 133.152(a), Local Government Code, is amended to read as follows:

(a) In addition to other fees collected under Section 133.151(a) or otherwise authorized or required by law, the clerk of a district court shall collect the following fees on the filing of any civil action or proceeding requiring a filing fee, including an appeal, and on the filing of any counterclaim, cross-action, intervention, interpleader, or third-party action requiring a filing fee:

(1) \$15 [~~\$5~~] in family law cases and proceedings as defined by Section 25.0002, Government Code; and

(2) \$20 [~~\$10~~] in any case other than a case described by Subdivision (1).

SECTION .10. (a) Section 51.607, Government Code, does not apply to the imposition of a court cost or fee under this article.

(b) The changes in law made by this article apply to the costs imposed on or after September 1, 2011, for conviction of an offense that occurs on or after that date.

(c) For purposes of Subsection (b) of this section, an offense is committed before the date specified by that subsection if any element of the offense occurs before the specified date. Court costs imposed on conviction of an offense committed before that specified date are governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose.

(d) Section 133.152(a), Local Government Code, as amended by this article, and Section 101.0615, Government Code, as amended by this article, apply only to a civil action or proceeding filed in a district court on or after the effective date of this article. A civil action or proceeding filed before that date is governed by the law in effect on the date the action or proceeding was filed, and the former law is continued in effect for that purpose.

RODRIGUEZ
CARONA
DEUEL

LUCIO
WENTWORTH

The amendment to **CSSB 1582** was read.

Senator Rodriguez withdrew Floor Amendment No. 3.

On motion of Senator Ogden and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1582 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Birdwell, Carona, Davis, Ellis, Fraser, Gallegos, Watson, Zaffirini.

COMMITTEE SUBSTITUTE SENATE BILL 23 ON SECOND READING

On motion of Senator Nelson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 23** at this time on its second reading:

CSSB 23, Relating to efficiency, cost-saving, fraud prevention, and funding measures for certain health and human services and health benefits programs, including the medical assistance and child health plan programs.

The bill was read second time.

Senator Williams offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 23** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. ASSISTED LIVING FACILITY LICENSING EXEMPTIONS. Section 247.004, Health and Safety Code, is amended to read as follows:

Sec. 247.004. EXEMPTIONS. This chapter does not apply to:

- (1) a boarding home facility as defined by Section 254.001;
- (2) an establishment conducted by or for the adherents of the Church of Christ, Scientist, for the purpose of providing facilities for the care or treatment of the sick who depend exclusively on prayer or spiritual means for healing without the use of any drug or material remedy if the establishment complies with local safety, sanitary, and quarantine ordinances and regulations;
- (3) a facility conducted by or for the adherents of a qualified religious society classified as a tax-exempt organization under an Internal Revenue Service group exemption ruling for the purpose of providing personal care services without charge solely for the society's professed members or ministers in retirement, if the facility complies with local safety, sanitation, and quarantine ordinances and regulations; or
- (4) a facility that provides personal care services only to persons enrolled in a program that:

(A) is funded in whole or in part by the department and that is monitored by the department or its designated local mental retardation authority in accordance with standards set by the department; or

(B) is funded in whole or in part by the Department of State Health Services and that is monitored by the Department of State Health Services or its designated local mental health authority in accordance with standards set by the Department of State Health Services.

The amendment to **CSSB 23** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

Senator Van de Putte offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 23** (senate committee printing) in SECTION 4 of the bill as follows:

(1) In added Section 533.005(a)(16)(C), Government Code (page 5, line 38), strike "and".

(2) In added Section 533.005(a)(16)(D), Government Code (page 5, line 39), between "Section 531.089" and the period, insert the following:

⋮

(E) does not impair an enrolled recipient's choice regarding which pharmacist or pharmacy dispenses the recipient's prescription drug by imposing different copayments or other conditions, including specific dosage or fulfillment requirements, on a recipient based on the pharmacist or pharmacy or the type of pharmacist or pharmacy that dispenses the drug;

(F) establishes reasonable administrative, financial, and professional terms for a pharmacist's or pharmacy's participation in the plan that are uniform across all pharmacists and pharmacies seeking to participate, or participating, in the plan;

(G) does not prevent a pharmacist or pharmacy from participating in the plan if the pharmacist or pharmacy agrees to comply with the terms established under Paragraph (F);

(H) does not require an enrolled recipient to obtain a prescription drug from a mail-order pharmacy as a condition of paying for the drug;

(I) provides, and requires any subcontractor of the managed care organization that is responsible for reimbursing pharmacists or pharmacies participating in the plan, including a pharmacy benefit management company, to provide, full and prompt payment for the provision of services, including the dispensation of prescription drugs, to enrolled recipients in a manner that complies with the requirements of the vendor drug program; and

(J) identifies and separately charges any administrative fee that is incurred by the managed care organization or a subcontractor of the managed care organization, including a fee for a pharmacy benefit management company that is hired as a subcontractor by the managed care organization to administer the pharmacy benefit plan

The amendment to **CSSB 23** was read.

Senator Van de Putte withdrew Floor Amendment No. 2.

On motion of Senator Nelson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 23 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 23 ON THIRD READING

Senator Nelson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 23** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 23**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 23** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed.

Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

(Senator Seliger in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 1505 ON SECOND READING**

On motion of Senator Uresti and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1505** at this time on its second reading:

CSSB 1505, Relating to the appraisal for ad valorem tax purposes of a real property interest in oil or gas in place.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1505 ON THIRD READING**

Senator Uresti moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1505** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1505**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1505** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1580 ON SECOND READING**

Senator Ogden again moved to suspend the regular order of business to take up for consideration **CSSB 1580** at this time on its second reading:

CSSB 1580, Relating to state fiscal matters related to health and human services and state agencies administering health and human services programs.

The motion prevailed by the following vote: Yeas 24, Nays 7.

Yeas: Birdwell, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Uresti, Van de Putte, Wentworth, Whitmire, Williams, Zaffirini.

Nays: Carona, Davis, Ellis, Gallegos, Rodriguez, Watson, West.

The bill was read second time.

Senator Ogden offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1580** (Senate committee printing) by striking ARTICLE 1 of the bill (page 1, line 13, through page 2, line 9) and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly.

The amendment to **CSSB 1580** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Ogden and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1580 as amended was passed to engrossment by the following vote: Yeas 23, Nays 8.

Yeas: Birdwell, Deuell, Duncan, Eltife, Estes, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Uresti, Van de Putte, Wentworth, Whitmire, Williams, Zaffirini.

Nays: Carona, Davis, Ellis, Fraser, Gallegos, Rodriguez, Watson, West.

**COMMITTEE SUBSTITUTE
SENATE BILL 9 ON SECOND READING**

Senator Williams moved to suspend the regular order of business to take up for consideration **CSSB 9** at this time on its second reading:

CSSB 9, Relating to homeland security; providing penalties.

The motion prevailed.

Senators Birdwell, Fraser, Gallegos, Nelson, and Rodriguez asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Williams offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 9** (Senate Committee Printing) in SECTION 1 of the bill, after proposed Article 2.252(b), Code of Criminal Procedure (page 1, between lines 23 and 24), by inserting the following:

(c) A law enforcement agency is not required to conduct an immigration status verification under Subsection (a) of a person who is transferred to the custody of the agency by another law enforcement agency if the transferring agency, before transferring custody of the person, conducted an immigration status verification under Subsection (a).

The amendment to **CSSB 9** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

Senator Williams offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 9** (senate committee report) as follows:

(1) In SECTION 23 of the bill, in the heading to added Subchapter T, Chapter 521, Transportation Code (page 8, line 63), between "IMPROVEMENT" and the semicolon insert "AND MAINTENANCE".

(2) In SECTION 23 of the bill, in added Section 521.481(a), Transportation Code (page 8, line 68), between "improving" and "the" insert "and maintaining".

(3) In SECTION 23 of the bill, in added Section 521.482(b), Transportation Code (page 9, line 22), between "improvement" and "the" insert "or maintenance".

The amendment to **CSSB 9** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 2.

Senator Davis offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 9** (senate committee report) in SECTION 11 of the bill by striking amended Section 71.023(a), Penal Code (page 4, line 63, through page 5, line 8), and substituting the following:

(a) A person commits an offense if the person, as part of the identifiable leadership of a criminal street gang, knowingly [~~initiates, organizes, plans,~~] finances, directs, [~~manages,~~] or supervises the commission of, or a conspiracy to commit, one or more of the following offenses by [~~a criminal street gang or~~] members of a criminal street gang:

(1) a felony that is listed in Section 3g(a)(1), Article 42.12, Code of Criminal Procedure;

(2) a felony for which it is shown that a deadly weapon, as defined by Section 1.07, was used or exhibited during the commission of the offense or during immediate flight from the commission of the offense; or

(3) an offense that is punishable as a felony of the first or second degree under Chapter 481, Health and Safety Code [with the intent to benefit, promote, or further the interests of the criminal street gang or to increase the person's standing, position, or status in the criminal street gang].

The amendment to **CSSB 9** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 3.

Senator Hinojosa offered the following amendment to the bill:

Floor Amendment No. 4

Amend **CSSB 9** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____ . Section 46.01, Penal Code, is amended by adding Subdivision (17) to read as follows:

(17) "Tire deflation device" means a device, including a caltrop or spike strip, that, when driven over, impedes or stops the movement of a wheeled vehicle by puncturing one or more of the vehicle's tires. The term does not include a traffic control device that:

(A) is designed to puncture one or more of a vehicle's tires when driven over in a specific direction; and

(B) has a clearly visible sign posted in close proximity to the traffic control device that prohibits entry or warns motor vehicle operators of the traffic control device.

SECTION ____ . Sections 46.05(a), (d), and (e), Penal Code, are amended to read as follows:

(a) A person commits an offense if the person [~~he~~] intentionally or knowingly possesses, manufactures, transports, repairs, or sells:

- (1) an explosive weapon;
- (2) a machine gun;
- (3) a short-barrel firearm;
- (4) a firearm silencer;
- (5) a switchblade knife;
- (6) knuckles;
- (7) armor-piercing ammunition;
- (8) a chemical dispensing device; [~~or~~]
- (9) a zip gun; or
- (10) a tire deflation device.

(d) It is an affirmative defense to prosecution under this section that the actor's conduct:

(1) was incidental to dealing with a switchblade knife, springblade knife, [~~or~~] short-barrel firearm, or tire deflation device solely as an antique or curio; [~~or~~]

(2) was incidental to dealing with armor-piercing ammunition solely for the purpose of making the ammunition available to an organization, agency, or institution listed in Subsection (b); or

(3) was incidental to dealing with a tire deflation device solely for the purpose of making the device available to an organization, agency, or institution listed in Subsection (b).

(e) An offense under Subsection (a)(1), (2), (3), (4), (7), (8), or (9) ~~[this section]~~ is a felony of the third degree. An offense ~~[unless it is committed]~~ under Subsection (a)(5) or (a)(6) ~~[, in which event, it]~~ is a Class A misdemeanor. An offense under Subsection (a)(10) is a state jail felony.

HINOJOSA
LUCIO

The amendment to **CSSB 9** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 4.

On motion of Senator Williams and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 9 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Birdwell, Fraser, Gallegos, Nelson, Rodriguez.

COMMITTEE SUBSTITUTE SENATE BILL 9 ON THIRD READING

Senator Williams moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 9** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 6.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nichols, Ogden, Patrick, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Fraser, Gallegos, Nelson, Rodriguez, Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 9**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the

requirement of the Texas Constitution, third reading and a vote on **CSSB 9** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 26, Nays 5.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nichols, Ogden, Patrick, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Fraser, Gallegos, Nelson, Rodriguez.

(President Pro Tempore Ogden in Chair)

SENATE BILL 1723 REREFERRED

(Motion In Writing)

Senator Zaffirini submitted a Motion In Writing requesting that **SB 1723** be withdrawn from the Committee on Veteran Affairs and Military Installations and rereferred to the Committee on Higher Education.

The Motion In Writing prevailed without objection.

REMARKS ORDERED PRINTED

On motion of Senator Seliger and by unanimous consent, his remarks regarding John Paul Castro were ordered reduced to writing and printed in the *Senate Journal* as follows:

Thank you, Mr. President. Members, in the last week or so, we have celebrated Passover and Easter, times of peace and spiritual comfort, a time to hold our families close. Like Senator Eltife, I have a 22-year-old son and got to spend the weekend with him. And like many of the families represented in this room, in the gallery, and on the floor, we are a demonstrative family. But recent events made me wonder during the last weekend, of that fine young man, if I hugged him often enough and hard enough. And in case the answer is no, like many of you, I resolve to make up for that this next weekend. Because David Castro, Sr., and Carmen Armendariz Castro, who live in the Permian Basin in my district, some time ago when they hugged their 25-year-old son, John Paul Castro, little did they know that it would be for the last time. Because Sergeant John Paul Castro, who lived in Senator Eltife's district in Clarksville, on Friday last, Good Friday, was killed by small arms fire in Afghanistan. He is the kind of young man that Andrews, where he was born, Clarksville, where he lived and where he leaves a wife, Delia, and a young daughter, were that proud of him. Because after joining the Army in October of 2004, he was a recipient of the Bronze Star, the Purple Heart, the Army Commendation, Army Good

Conduct, the National Defense Service Medal, the Global War on Terrorism Service, and the Army Service Ribbon, the NATO and Army Meritorious Unit Commendation. He'll never make it back to Clarksville, but the things that he fought for and went to Afghanistan are there today, a family who lives at peace and safety and security because of the sacrifice of this brave American and Texan. Therefore, in honor and in memory of Sergeant John Paul Castro, I would ask that the Senate adjourn today in his memory and honor. Thank you.

SENATE RULES SUSPENDED (Posting Rules)

On motion of Senator Ellis and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Government Organization might meet and consider the following bills today: **SB 649, SB 665.**

SENATE RULE 11.13 SUSPENDED (Consideration of Bills in Committees)

On motion of Senator Eltife and by unanimous consent, Senate Rule 11.13 was suspended to grant all committees permission to meet while the Senate was meeting today.

MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 5:19 p.m. agreed to adjourn, in memory of John Paul Castro, upon completion of the introduction of bills and resolutions on first reading, until 9:00 a.m. tomorrow.

HOUSE BILLS ON FIRST READING

The following bills received from the House were read first time and referred to the committees indicated:

- HB 5** to Committee on Health and Human Services.
- HB 273** to Committee on Health and Human Services.
- HB 290** to Committee on Criminal Justice.
- HB 417** to Committee on State Affairs.
- HB 890** to Committee on Transportation and Homeland Security.
- HB 1112** to Committee on Transportation and Homeland Security.
- HB 1146** to Committee on Business and Commerce.
- HB 1168** to Committee on Administration.
- HB 1261** to Committee on Jurisprudence.
- HB 1283** to Committee on Intergovernmental Relations.
- HB 1488** to Committee on Intergovernmental Relations.
- HB 1529** to Committee on Criminal Justice.
- HB 1545** to Committee on State Affairs.
- HB 1566** to Committee on Criminal Justice.
- HB 1666** to Committee on Criminal Justice.
- HB 1759** to Committee on Intergovernmental Relations.
- HB 1760** to Committee on Intergovernmental Relations.
- HB 1853** to Committee on Business and Commerce.

HB 1899 to Committee on Transportation and Homeland Security.
HB 1936 to Committee on Business and Commerce.
HB 2004 to Committee on Government Organization.
HB 2118 to Committee on Criminal Justice.
HB 2132 to Committee on Jurisprudence.
HB 2162 to Committee on Intergovernmental Relations.
HB 2229 to Committee on Health and Human Services.
HB 2327 to Committee on Transportation and Homeland Security.
HB 2330 to Committee on Jurisprudence.
HB 2385 to Committee on Criminal Justice.
HB 2482 to Committee on Criminal Justice.
HB 2725 to Committee on Criminal Justice.
HB 2792 to Committee on Transportation and Homeland Security.
HB 2793 to Committee on Administration.
HB 2859 to Committee on Natural Resources.
HB 3287 to Committee on Business and Commerce.
HB 3804 to Committee on Intergovernmental Relations.

CO-AUTHOR OF SENATE BILL 9

On motion of Senator Williams, Senator Lucio will be shown as Co-author of **SB 9**.

CO-AUTHORS OF SENATE BILL 23

On motion of Senator Nelson, Senators Patrick and Wentworth will be shown as Co-authors of **SB 23**.

CO-AUTHOR OF SENATE BILL 529

On motion of Senator Huffman, Senator Van de Putte will be shown as Co-author of **SB 529**.

CO-AUTHOR OF SENATE BILL 1348

On motion of Senator Van de Putte, Senator Watson will be shown as Co-author of **SB 1348**.

CO-AUTHOR OF SENATE BILL 1533

On motion of Senator Hinojosa, Senator Lucio will be shown as Co-author of **SB 1533**.

CO-AUTHOR OF SENATE BILL 1734

On motion of Senator Van de Putte, Senator Hinojosa will be shown as Co-author of **SB 1734**.

CO-AUTHOR OF SENATE BILL 1796

On motion of Senator Van de Putte, Senator Hinojosa will be shown as Co-author of **SB 1796**.

CO-AUTHOR OF SENATE BILL 1878

On motion of Senator Deuell, Senator Uresti will be shown as Co-author of **SB 1878**.

CO-SPONSOR OF HOUSE BILL 15

On motion of Senator Patrick, Senator Birdwell will be shown as Co-sponsor of **HB 15**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 862 by Williams, In memory of Peggy Jo Mason of Harris County.

SR 868 by Ellis, In memory of Erma Kate Johnson of Oakland, California.

SR 871 by Lucio, In memory of Luis Romero of Los Fresnos.

SR 873 by Patrick, In memory of William Arnold McMinn, Jr.

Welcome and Congratulatory Resolutions

SR 861 by Williams, Recognizing Dohn LaBiche for receiving the 2011 Dr. Robert A. Swerdlow Small Business Person of the Year Award in the Retail-Service Category.

SR 863 by Williams, Recognizing Becky Ames for receiving the Athena Award from the Greater Beaumont Chamber of Commerce.

SR 864 by Jackson, Welcoming the doctors of chiropractic who are visiting our state from Japan.

SR 869 by Zaffirini, Joining the citizens of Live Oak in observing National Police Week.

SR 870 by Zaffirini, Ogden, Watson, and Wentworth, Congratulating Grupo Fantasma for winning a Grammy Award.

SR 872 by Lucio, Commending Mike Garcia for achieving the rank of Eagle Scout.

Official Designation Resolution

SR 867 by Ellis, Recognizing April 30, 2011, as XX Concurso Día del Niño Day.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 5:29 p.m. adjourned, in memory of John Paul Castro, until 9:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Secretary of the Senate in the order listed:

April 28, 2011

EDUCATION — **CSSB 1557**

JURISPRUDENCE — **CSHB 1674, CSSB 1196**

BUSINESS AND COMMERCE — **CSSB 63, CSSB 1399**

EDUCATION — **CSHB 1555**

NATURAL RESOURCES — **CSSB 105, CSSB 467, CSSB 1070, CSSB 1073**

TRANSPORTATION AND HOMELAND SECURITY — **SB 947, CSSB 1649, CSSB 1742, SB 1237**

BUSINESS AND COMMERCE — **CSSB 1806**

CRIMINAL JUSTICE — **CSSB 1636**

OPEN GOVERNMENT — **HB 1147**

HIGHER EDUCATION — **SB 1731**

BILLS AND RESOLUTION ENGROSSED

April 27, 2011

SB 627, SB 1035, SB 1248, SJR 13

BILLS AND RESOLUTIONS ENROLLED

April 27, 2011

SB 416, SB 488, SB 605, SB 630, SB 692, SB 729, SB 777, SB 873, SB 874, SB 914, SB 1230, SCR 43, SCR 44, SCR 48, SR 826, SR 844, SR 846, SR 847, SR 848, SR 849, SR 851, SR 852, SR 853, SR 854, SR 855, SR 856, SR 857, SR 858, SR 859

SENT TO GOVERNOR

April 28, 2011

SB 85, SB 323, SB 416, SB 439, SB 488, SB 527, SB 605, SB 630, SB 638, SB 692, SB 729, SB 777, SB 873, SB 874, SB 914, SB 1226, SB 1230, SB 1846, SCR 43, SCR 44, SCR 48

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FIFTIETH DAY

(Friday, April 29, 2011)

The Senate met at 9:16 a.m. pursuant to adjournment and was called to order by Senator Eltife.

The roll was called and the following Senators were present: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

The Presiding Officer announced that a quorum of the Senate was present.

The Reverend James D. Hejl, Taylor Brethren Church, Taylor, offered the invocation as follows:

Almighty God, we are here to affirm that the emerging day belongs to You, for You are one who shines light into every dark corner. You are one who reveals what was formerly hidden. You are one who restores what was lost, who mends what is broken, who provides what is needed. We pray that rain will soon fall upon this drought-stricken land. We pray that those devastated by wildfires and the ravages of nature will be comforted, strengthened, and healed. And we pray that Your presence will be felt this day throughout these halls, that Your wisdom will be exercised within these chambers. Please bless and abide with all who labor here and make them equal to every challenge, and please bless and abide with all the people of the great State of Texas and this great nation of which we are a part. Amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of the previous day be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Friday, April 29, 2011 - 1

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HB 150 Solomons
Relating to the composition of the districts for the election of members of the Texas House of Representatives.

HB 2495 Hernandez Luna
Relating to cemeteries and perpetual care cemetery corporations; providing a penalty.

HCR 113 Frullo
Congratulating Kay Cross on her receipt of the Jane O.Burns Award from the YWCA of Lubbock.

HCR 139 Beck
In memory of former Texas secretary of state Myra McDaniel.

HCR 140 Davis, Sarah
Commemorating the 70th anniversary of MD Anderson Cancer Center.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

PHYSICIAN OF THE DAY

Senator Watson was recognized and presented Dr. David Vander Straten of Austin as the Physician of the Day.

The Senate welcomed Dr. Vander Straten and thanked him for his participation in the Physician of the Day program sponsored by the Texas Academy of Family Physicians.

MESSAGES FROM THE GOVERNOR

The following Messages from the Governor were read and were referred to the Committee on Nominations:

April 28, 2011
Austin, Texas

TO THE SENATE OF THE EIGHTY-SECOND LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be members of the Assistive and Rehabilitative Services Council for terms to expire February 1, 2017:

Jon E. Arnold-Garcia
San Antonio, Texas

(replacing Diane Novy of Bellaire whose term expired)

Thomas W. Grahm
Tyler, Texas

(replacing Lance Goetz of Dallas whose term expired)

Tommy G. Fordyce
Huntsville, Texas
(replacing Timothy Flannery of Seabrook whose term expired)

To be a member of the Lower Colorado River Authority for a term to expire February 1, 2017:

Sandra "Sandy" Wright Kibby
New Braunfels, Texas
Ms. Kibby is replacing Skipper Wallace of Lampasas whose term expired.

To be members of the Texas Board of Licensure for Professional Medical Physicists for terms to expire as indicated:

To Expire February 1, 2013:
Douglas A. Johnson
College Station, Texas
(replacing Kenneth Krieger of Lacy Lakeview who resigned)

To Expire February 1, 2015:
A. Lee Schlichtemeier
Plano, Texas
(replacing Shannon Cox of Austin whose term expired)

To Expire February 1, 2017:
Charles Ward Beasley
Bellaire, Texas
(replacing Philip Bourland of Temple whose term expired)

James R. "Jim" Marbach
San Antonio, Texas
(replacing Rebecca Middleton of DeSoto whose term expired)

Kiran Shah
Houston, Texas
(replacing Kumar Krishen of Seabrook whose term expired)

To be members of the Trinity River Authority Board of Directors for terms to expire March 15, 2017:

Harold L. Barnard
Waxahachie, Texas
(Mr. Barnard is being reappointed)

Christina Melton Crain
Dallas, Texas
(replacing Karl Butler of Dallas whose term expired)

Michael Cronin
Terrell, Texas
(Mr. Cronin is being reappointed)

Steve Cronin
Shepherd, Texas
(Mr. Cronin is being reappointed)

Amanda B. Davis
Buffalo, Texas
(Ms. Davis is being reappointed)

Martha A. Hernandez
Burluson, Texas
(Ms. Hernandez is being reappointed)

D. Joe McCleskey
Apple Springs, Texas
(replacing Herschel Brannen, III of Trinity whose term expired)

J. Carol Spillars
Madisonville, Texas
(Ms. Spillars is being reappointed)

Respectfully submitted,
/s/Rick Perry
Governor

SENATE RESOLUTION 865

Senator Van de Putte offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the men and women of the United States Armed Forces who so honorably served our nation during the Korean War and to pay tribute to them on the occasion of Korean Veterans Day, which is being celebrated on April 29, 2011; and

WHEREAS, The Korean War was one of the earliest conflicts in the proxy battle between the United States and Soviet Union known as the Cold War; some 1,700 Texans made the ultimate sacrifice for their country in Korea, and today, 125,000 veterans of the Korean War make their home in Texas; and

WHEREAS, These veterans served bravely and selflessly and distinguished themselves during this conflict through their exemplary valor and fortitude; and

WHEREAS, The men and women who served the nation during the Korean War embodied the highest standards of courage, sacrifice, and devotion to duty, and their heroic actions set a lasting example that will live forever in the annals of American history; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby commend the veterans of our nation's military who served during the Korean War and extend to them heartfelt gratitude for their extraordinary service and their commitment to the ideals and principles of this great nation; and, be it further

RESOLVED, That a copy of this Resolution be prepared in honor of their dedication and sacrifice.

SR 865 was read and was adopted without objection.

GUESTS PRESENTED

Senator Van de Putte was recognized and introduced to the Senate a Korean Veterans Day delegation: Jim Duncan, Roy Aldridge, Bill Shaffer, J. C. Ernst, and Marvin Olson.

The Senate welcomed its guests.

(President Pro Tempore Ogden in Chair)

SENATE RESOLUTION 870

Senator Zaffirini offered the following resolution:

SR 870, Congratulating Grupo Fantasma for winning a Grammy Award.

ZAFFIRINI
OGDEN
WATSON
WENTWORTH

The resolution was again read.

The resolution was previously adopted on Thursday, April 28, 2011.

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate members of Grupo Fantasma: Adrian Quesada, Francisco "Beto" Martinez, Gregory Gonzalez, Matthew "Sweet Lou" Holmes, Josh Levy, Jose Galeano, Mark "Speedy" Gonzales, and their manager, David Lobel.

The Senate welcomed its guests.

**INTRODUCTION OF
BILLS AND RESOLUTIONS POSTPONED**

The President Pro Tempore announced that the introduction of bills and resolutions on first reading would be postponed until the end of today's session.

There was no objection.

CONCLUSION OF MORNING CALL

The President Pro Tempore at 10:12 a.m. announced the conclusion of morning call.

**COMMITTEE SUBSTITUTE
SENATE BILL 506 ON THIRD READING**

Senator Deuell moved to suspend the regular order of business to take up for consideration **CSSB 506** at this time on its third reading and final passage:

CSSB 506, Relating to consumption advisories for mercury contamination in fish, crustaceans, molluscan shellfish, and other aquatic and terrestrial animals.

The motion prevailed by the following vote: Yeas 24, Nays 7.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Hegar, Hinojosa, Jackson, Lucio, Ogden, Patrick, Rodriguez, Seliger, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Zaffirini.

Nays: Birdwell, Harris, Huffman, Nelson, Nichols, Shapiro, Williams.

The bill was read third time.

Senator Deuell offered the following amendment to the bill:

Floor Amendment No. 1 on Third Reading

Amend **CSSB 506** on third reading in SECTION 1 of the bill, in added Section 436.092(c), Health and Safety Code (senate committee printing, page 1, line 28), after the underlined period by adding the following:

The rules may not conflict with or establish standards that differ from the standards that have been established by written agreement pursuant to a regulatory program of a federal or state agency on or before September 1, 2011.

The amendment to **CSSB 506** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 on Third Reading.

On motion of Senator Deuell and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 506 as amended was finally passed by the following vote: Yeas 24, Nays 7.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Hegar, Hinojosa, Jackson, Lucio, Ogden, Patrick, Rodriguez, Seliger, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Zaffirini.

Nays: Birdwell, Harris, Huffman, Nelson, Nichols, Shapiro, Williams.

**COMMITTEE SUBSTITUTE
SENATE BILL 1511 ON SECOND READING**

Senator West moved to suspend the regular order of business to take up for consideration **CSSB 1511** at this time on its second reading:

CSSB 1511, Relating to minimum standards for approval of educator preparation programs.

The motion prevailed.

Senator Birdwell asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator West offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1511** (committee printing) as follows:

(1) In SECTION 2 of the bill, in proposed Section 21.045(d), Education Code (page 1, line 61), immediately following the underlined semicolon, insert "and".

(2) In SECTION 2 of the bill, in proposed Section 21.045(d), Education Code (page 1, line 62), between "(3)" and "has", insert the following:
either:

(A)

(3) In SECTION 2 of the bill, in proposed Section 21.045(d), Education Code (page 2, line 1), strike "and" and substitute "or".

(4) In SECTION 2 of the bill, in proposed Section 21.045(d), Education Code (page 2, line 2), strike "(4)" and substitute "(B)".

(5) In SECTION 4 of the bill, in proposed Section 21.008(a), Education Code (page 2, line 33), strike "Not" and substitute "Subject to Subsection (d), not".

(6) In SECTION 4 of the bill (page 2, lines 56-58), strike proposed Section 21.008(d), Education Code, and substitute the following:

(d) The commissioner shall seek from private sources the funding necessary to pay the costs for the creation, implementation, and analysis of the statewide survey described by Subsection (c). If the commissioner does not acquire the necessary funding to pay the costs of the survey, the agency may not, for the applicable year, prepare, publish, or submit the report described by this section.

The amendment to **CSSB 1511** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator West and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1511 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Birdwell.

COMMITTEE SUBSTITUTE SENATE BILL 1511 ON THIRD READING

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1511** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1511**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1511** would have occurred on the next legislative day, allowing for Texans to have learned through

news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1.

Nays: Birdwell.

SENATE BILL 1560 ON SECOND READING

On motion of Senator Ellis and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1560** at this time on its second reading:

SB 1560, Relating to liability of certain local emergency management or homeland security organizations.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 1560 ON THIRD READING

Senator Ellis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1560** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 1560**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 1560** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 530 ON SECOND READING

On motion of Senator Huffman and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 530** at this time on its second reading:

SB 530, Relating to granting limited state law enforcement authority to special agents of the Office of Inspector General of the United States Social Security Administration and to updating certain references related to the grant of that authority to other federal law enforcement personnel.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 530 ON THIRD READING

Senator Huffman moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 530** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 530**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 530** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1608 ON SECOND READING**

On motion of Senator Carona and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1608** at this time on its second reading:

CSSB 1608, Relating to operating a motor vehicle without a driver's license or financial responsibility; creating a penalty.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1608 ON THIRD READING**

Senator Carona moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1608** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1608**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1608** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1104 ON SECOND READING**

On motion of Senator Jackson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1104** at this time on its second reading:

CSSB 1104, Relating to the operation, powers, and duties of ship channel districts.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1104 ON THIRD READING**

Senator Jackson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1104** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1104**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1104** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1066 ON SECOND READING

On motion of Senator Estes and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1066** at this time on its second reading:

SB 1066, Relating to adding certain synthetic stimulants to Penalty Group 2 of the Texas Controlled Substances Act.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 1066 ON THIRD READING

Senator Estes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1066** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 1066**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 1066** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 533 ON SECOND READING

On motion of Senator Davis and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 533** at this time on its second reading:

SB 533, Relating to the minimum standards for the certifications of sexual assault training programs and sexual assault nurse examiners and for certification renewal by those entities.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 533 ON THIRD READING

Senator Davis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 533** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 533**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 533** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

(Senator Eltife in Chair)

**SENATE CONCURRENT RESOLUTION 25
ON SECOND READING**

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **SCR 25** at this time on its second reading:

SCR 25, Expressing continued support for the construction of a monument on Capitol grounds recognizing Texans who served in the Vietnam War.

The resolution was read second time and was adopted by the following vote: Yeas 31, Nays 0.

HOUSE BILL 906 ON SECOND READING

On motion of Senator Rodriguez and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 906** at this time on its second reading:

HB 906, Relating to appointments made in and the appeal of certain suits affecting the parent-child relationship.

The bill was read second time.

Senator Rodriguez offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 906** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in added Section 107.013(e), Family Code (page 1, lines 14 and 15), strike "during the pendency of the suit" and substitute "for the duration of the suit and any subsequent appeal".

(2) Strike SECTION 2 of the bill (page 1, lines 20-33), and substitute the following:

SECTION 2. Section 107.016, Family Code, is amended to read as follows:

Sec. 107.016. CONTINUED REPRESENTATION; DURATION OF APPOINTMENT. In a suit filed by a governmental entity in which termination of the parent-child relationship or appointment of the entity as conservator of the child is requested:

(1) [~~and~~] an order appointing the Department of Family and Protective [~~and Regulatory~~] Services as the child's managing conservator may provide for the continuation of the appointment of the guardian ad litem or attorney ad litem for the child for any period set by the court; and

(2) an attorney appointed under this subchapter to serve as an attorney ad litem for a parent or an alleged father continues to serve in that capacity until the earliest of:

(A) the date the suit affecting the parent-child relationship is dismissed;

(B) the date all appeals in relation to any final order terminating parental rights are exhausted or waived; or

(C) the date the attorney is relieved of the attorney's duties or replaced by another attorney after a finding of good cause is rendered by the court on the record.

(3) In SECTION 7 of the bill (page 2, lines 20 and 21), strike "Sections 107.013(e) and 107.014, Family Code, as added by this Act," and substitute "Section 107.013(e), Family Code, as added by this Act, and Section 107.016, Family Code, as amended by this Act,".

The amendment to **HB 906** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Rodriguez and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

HB 906 as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 906 ON THIRD READING

Senator Rodriguez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 906** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **HB 906**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **HB 906** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1686 ON SECOND READING**

On motion of Senator Ellis and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1686** at this time on its second reading:

CSSB 1686, Relating to group health benefits coverage for persons wrongfully imprisoned.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1686 ON THIRD READING**

Senator Ellis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1686** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1686**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1686** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE SENATE BILL 637 ON SECOND READING

On motion of Senator Nichols and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 637** at this time on its second reading:

CSSB 637, Relating to the recovery of certain rate case expenses by an investor-owned water and sewer utility.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 637 ON THIRD READING

Senator Nichols moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 637** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 637**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying

the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 637** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE SENATE BILL 1580 ON THIRD READING

Senator Ogden moved to suspend the regular order of business to take up for consideration **CSSB 1580** at this time on its third reading and final passage:

CSSB 1580, Relating to state fiscal matters related to health and human services and state agencies administering health and human services programs.

The motion prevailed by the following vote: Yeas 28, Nays 3.

Yeas: Birdwell, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Carona, Fraser, Gallegos.

The bill was read third time.

Senator Watson offered the following amendment to the bill:

Floor Amendment No. 1 on Third Reading

Amend **CSSB 1580** on third reading as follows:

(1) In SECTION 2.01 of the committee substitute, in Section 12.0111, Health and Safety Code (Committee Printing page 2, between lines 22 and 23), add a new Subsection (f) to read as follows:

(f) Subsection (e) of this Section expires on September 1, 2013, at which time fees for issuing or renewing a license shall revert to the amount assessed immediately before September 1, 2011.

(2) In SECTION 2.02 of the committee substitute, in Section 12.032, Health and Safety Code (Committee Printing page 2, between lines 36 and 37), add a new Subsection (g) to read as follows:

(g) Subsection (f) of this Section expires on September 1, 2013, at which time fees for public health services administered by the department shall revert to the amount assessed immediately before September 1, 2011.

(3) In SECTION 2.03 of the committee substitute, strike the recital (Committee Printing page 2, lines 37 and 38), and insert the following new recital:

Section 42.054, Human Resources Code, is amended by amending Subsections (a) through (e) and adding Subsection (h) to read as follows:

(4) In SECTION 2.03 of the committee substitute, in Section 42.054, Human Resources Code (Committee Printing page 2, between lines 62 and 63), add a new Subsection (h) to read as follows:

(h) On September 1, 2013, the fees described in Subsections (a) through (e) shall revert to the amount assessed immediately before September 1, 2011.

The amendment to **CSSB 1580** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 on Third Reading.

On motion of Senator Ogden and by unanimous consent, the caption was again amended to conform to the body of the bill as amended.

CSSB 1580 as again amended was finally passed by the following vote: Yeas 28, Nays 3.

Yeas: Birdwell, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Carona, Fraser, Gallegos.

COMMITTEE SUBSTITUTE SENATE BILL 1582 ON THIRD READING

Senator Ogden moved to suspend the regular order of business to take up for consideration **CSSB 1582** at this time on its third reading and final passage:

CSSB 1582, Relating to state fiscal matters related to the judiciary.

The motion prevailed by the following vote: Yeas 24, Nays 7.

Yeas: Deuell, Duncan, Eltife, Estes, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Carona, Davis, Ellis, Fraser, Gallegos, Harris.

The bill was read third time.

Senator Watson offered the following amendment to the bill:

Floor Amendment No. 1 on Third Reading

Amend **CSSB 1582** on third reading as follows:

(1) In ARTICLE 3, SECTION 3.01 of the committee substitute, in added Section 51.008, Government Code (Committee printing page 2, between lines 35 and 36), add new Subsections (e) and (f) to read as follows:

(e) The Office of Court Administration of the Texas Judicial System shall certify to the comptroller the date on which fees collected under this section during a state fiscal biennium equal or exceed \$500,000. The fees to be charged for process server

certification and renewal of certification shall not be collected or required to be paid on or after the first day of the second month following the certification until the first day of a new state fiscal biennium.

(f) This Section expires on September 1, 2013.

(2) In ARTICLE 4, SECTION 4.01 of the committee substitute, in Section 56.001, Government Code (Committee printing page 2, between lines 66 and 67), add new Subsections (c) and (d) to read as follows:

(c) The account is exempt from the application of:

(1) Section 403.095, Government Code, as effective on September 1, 2011;

and

(2) any successor to that section.

(d) It is the intent of the legislature that:

(1) to the extent the differences are irreconcilable and regardless of relative dates of enactment and relative effective dates, the exemption of the judicial and court personnel training fund from the application of Section 403.095, Government Code, and any successor to that section, provided by Section 56.001(c), Government Code, as added by this section, prevails over any other Act of the 82nd Legislature, Regular Session, that becomes law; and

(2) Section 403.095, Government Code, as effective on September 1, 2011, and any successor to that section, do not apply to the fund.

The amendment to **CSSB 1582** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 on Third Reading.

On motion of Senator Ogden and by unanimous consent, the caption was again amended to conform to the body of the bill as amended.

CSSB 1582 as again amended was finally passed by the following vote: Yeas 24, Nays 7.

Yeas: Deuell, Duncan, Eltife, Estes, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Carona, Davis, Ellis, Fraser, Gallegos, Harris.

SENATE BILL 1443 ON SECOND READING

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1443** at this time on its second reading:

SB 1443, Relating to the mailing of notices, decisions, and reports by the Texas Ethics Commission.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 1443 ON THIRD READING

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1443** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 1443**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 1443** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE SENATE BILL 841 ON SECOND READING

On motion of Senator Patrick and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 841** at this time on its second reading:

CSSB 841, Relating to the prosecution of and punishment for the offense of breach of computer security.

The bill was read second time.

Senator Ellis offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 841** (senate committee report) as follows:

(1) In SECTION 2 of the bill, in proposed Section 33.02(b-1), Penal Code, on page 1, strike lines 50 and 51 and substitute the following:

defraud [~~unless in committing the offense the actor knowingly obtains a benefit,~~
~~defrauds~~] or harm [~~harms~~] another[;] or

(2) In SECTION 2 of the bill, in proposed Section 33.02(b-2), Penal Code, strike page 1, line 57, through page 2, line 14, and substitute the following:

(1) [~~a Class A misdemeanor if the aggregate amount involved is less than \$1,500;~~

~~(2)~~ a state jail felony if [:

~~(A)~~ the aggregate amount involved is [~~\$1,500 or more but~~] less than \$20,000[~~;~~ or

~~(B) the aggregate amount involved is less than \$1,500 and the defendant has been previously convicted two or more times of an offense under this chapter];~~

~~(2)~~ [~~(3)~~] a felony of the third degree if the aggregate amount involved is \$20,000 or more but less than \$100,000;

~~(3)~~ [~~(4)~~] a felony of the second degree if:

~~(A)~~ the aggregate amount involved is \$100,000 or more but less than \$200,000;

~~(B) the aggregate amount involved is any amount less than \$200,000 and the computer, computer network, or computer system is owned by the government or a critical infrastructure facility; or~~

~~(C) the actor obtains the identifying information of another by accessing only one computer, computer network, or computer system; or~~

~~(4)~~ [~~(5)~~] a felony of the first degree if:

The amendment to **CSSB 841** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 841** (Committee Printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS accordingly:

SECTION _____. Chapter 33, Penal Code, is amended by adding Section 33.08 to read as follows:

Sec. 33.08. IMPROPER STORAGE OF DATA THAT INCLUDES IDENTIFYING INFORMATION. (a) In this section, "identifying information" has the meaning assigned by Section 32.51.

(b) A person commits an offense if the person negligently stores unencrypted data that includes identifying information for more than 50,000 persons on a computer, computer network, or computer system and negligently fails to protect against a breach of computer security by means of computer software designed to protect against a breach.

(c) An agent, including a high managerial agent, having a responsibility for the hiring or supervision of a person who provides computer services is criminally responsible for the conduct of the actor committing an offense under Subsection (b) to the same extent as if the agent engaged in the conduct.

(d) An offense under this section is:

(1) a Class B misdemeanor if the data included identifying information for less than 500,000 persons;

(2) a Class A misdemeanor if the data included identifying information for more than 500,000 but less than million persons; and

(3) a state jail felony if the data included identifying information for more than one million persons.

(e) It is an affirmative defense to prosecution under Subsection (c) that the agent or high managerial agent employed due diligence to prevent the commission of the offense under Subsection (b).

The amendment to **CSSB 841** was read.

Senator Lucio withdrew Floor Amendment No. 2.

On motion of Senator Patrick and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 841 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 841 ON THIRD READING

Senator Patrick moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 841** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 841**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 841** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
HOUSE BILL 600 ON SECOND READING**

Senator Seliger moved to suspend the regular order of business to take up for consideration **CSHB 600** at this time on its second reading:

CSHB 600, Relating to the composition of the districts for the election of members of the State Board of Education.

The motion prevailed by the following vote: Yeas 28, Nays 3.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Patrick, Watson.

The bill was read second time.

Senator Patrick offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 600** by striking Article II of the bill and substituting the following:

ARTICLE II

SECTION 1. District 1 is composed of Atascosa, Bandera, Brewster, Crane, Crockett, Culberson, Dimmit, Edwards, El Paso, Frio, Gillespie, Hudspeth, Irion, Jeff Davis, Kerr, Kimble, Kinney, La Salle, Loving, Mason, Maverick, Medina, Menard, Midland, Pecos, Presidio, Reagan, Real, Reeves, Schleicher, Sutton, Terrell, Upton, Uvalde, Val Verde, Ward, Webb, Winkler and Zavala Counties.

SECTION 2. District 2 is composed of Aransas, Calhoun, Cameron, Colorado, De Witt, Fayette, Goliad, Jackson, Kenedy, Kleberg, Matagorda, Nueces, Refugio, San Patricio, Victoria, Wharton and Willacy Counties; and Hidalgo County tracts 020101, 020204, 020205, 020301, 020302, 020403, 020404, 020501, 020503, 020504, 020600, 020701, 020721, 020723, 020724, 020725, 020726, 020802, 020901, 020903, 020904, 021000, 021100, 021201, 021202, 021302, 021303, 021304, 021305, 021401, 021403, 021404, 021500, 021600, 021701, 021702, 021803, 021804, 021805, 021806, 021901, 021903, 021904, 022001, 022003, 022004, 022103, 022104, 022105, 022106, 022201, 022203, 022204, 022300, 022401, 022402, 022501, 022502, 022600, 022701, 022702, 022800, 022900, 023000, 023102, 023103, 023104, 023514, 023515, 024302, 024402, 024403, 024404, 024500, 024600 and 980000; and that part of Hidalgo County tract 020102 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3024, 3026, 3027, 3028, 3029, 3030, 3051, 3052, 3053, 3054, 3127, 3137 and 3138; and that part of Hidalgo County tract 020202 included in blocks 1033, 1034, 3000, 3001, 3002, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3026, 3027, 3028, 3029, 3030, 3034, 3035, 3036, 3038,

3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054 and 3055; and that part of Hidalgo County tract 020402 included in block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2066, 2067, 2070, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125 and 2126; and that part of Hidalgo County tract 020804 included in blocks 2003, 2004, 2005, 2006, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020 and 3021; and that part of Hidalgo County tract 023507 included in block group 2 and blocks 3000, 3011, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031 and 3032; and that part of Hidalgo County tract 023511 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1039, 1040, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051 and 2052; and that part of Hidalgo County tract 023513 included in block group 1; and that part of Hidalgo County tract 024106 included in block group 2 and blocks 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1047, 1048, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3038 and 3039; and that part of Hidalgo County tract 024109 included in blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2035, 2036, 2037, 2038, 2039 and 2040; and that part of Hidalgo County tract 024301 included in blocks 1430, 1431, 1432, 1439, 1440, 1448, 1455, 1456, 1457, 1458, 1459, 1460, 1461, 1462, 1463, 1464, 1465, 1466, 1467, 1468, 1469, 1470, 1471, 1472, 1473, 1474, 1475, 1476, 1477, 1478, 1479, 1480, 1481, 1482, 1483, 1484, 1485, 1486, 1487, 1488, 1489, 1490, 1491, 1492, 1493, 1494, 1495, 1496, 1497, 1498, 1499, 1500, 1503, 1504, 1505, 1506, 1507, 1508, 1509, 1510, 1663, 1664, 1665, 1666, 1667, 1668, 1669 and 1670.

SECTION 3. District 3 is composed of Bee, Brooks, Duval, Gonzales, Jim Hogg, Jim Wells, Karnes, Lavaca, Live Oak, McMullen, Starr, Wilson and Zapata Counties; and Bexar County tracts 110100, 110300, 110500, 110600, 110700, 110800, 110900, 111000, 120100, 120300, 120400, 120501, 120502, 120600, 120701, 120702, 120800, 120902, 121402, 121403, 121404, 130200, 130300, 130401, 130402, 130500, 130600, 130700, 130800, 130900, 131000, 131100, 131200, 131300, 131401, 131402, 131503, 131504, 131505, 131506, 131507, 131612, 131614, 131615, 131801, 140100, 140200, 140300, 140400, 140500, 140600, 140700, 140800, 140900, 141000, 141101, 141102, 141200, 141300, 141402, 141403, 141404, 141600, 141700, 141800, 141900, 150100, 150300, 150400, 150501, 150502, 150600, 150700, 150800, 150900, 151000, 151100, 151200, 151301, 151302, 151400, 151500, 151600, 151700, 151900, 152000, 152100, 152201, 152202, 160100, 160200, 160300, 160400, 160501, 160502, 160600, 160701, 160702, 160901, 160902, 161000, 161100, 161200, 161302,

161303, 161304, 161400, 161501, 161503, 161504, 161600, 161801, 161802, 161901, 161902, 162001, 162003, 162004, 170101, 170102, 170200, 170300, 170401, 170402, 170500, 170600, 170700, 170800, 170900, 171000, 171100, 171200, 171301, 171302, 171401, 171402, 171501, 171502, 171601, 171602, 171700, 171801, 171802, 171902, 171903, 171912, 171913, 171914, 171915, 171916, 171917, 171918, 171919, 171920, 171921, 171922, 171923, 171924, 171925, 172002, 172003, 172004, 172005, 172006, 172007, 180101, 180102, 180201, 180202, 180300, 180400, 180501, 180503, 180504, 180602, 180603, 180604, 180701, 180702, 180800, 180901, 180902, 181005, 181503, 181505, 181506, 181601, 181602, 181704, 181705, 181711, 181712, 181713, 181715, 181716, 181718, 181722, 181723, 181725, 181727, 181728, 181729, 181730, 181731, 181817, 190100, 190200, 190400, 190501, 190503, 190504, 190601, 190603, 190604, 190700, 190800, 190901, 190902, 191003, 191004, 191005, 191006, 191102, 191900, 192000, 192100, 192200, 980002, 980003, 980005 and 980100; and that part of Bexar County tract 120901 included in blocks 1011 and 1013; and that part of Bexar County tract 121000 included in block groups 1 and 2 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015 and 3016; and that part of Bexar County tract 121300 included in block group 3 and blocks 1008, 1009, 1010, 1011, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 2000, 2001, 2006, 2007, 2008, 2009, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028, 4029, 4030 and 4031; and that part of Bexar County tract 121506 included in block 3015; and that part of Bexar County tract 121508 included in block 3010; and that part of Bexar County tract 131606 included in blocks 1018, 1019, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050 and 1051; and that part of Bexar County tract 131609 included in block 1029; and that part of Bexar County tract 131613 included in blocks 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019 and 2020; and that part of Bexar County tract 131802 included in block groups 1 and 3 and blocks 2028, 2029, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057 and 2058; and that part of Bexar County tract 181001 included in block group 2 and blocks 1002, 1009, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022 and 1023; and that part of Bexar County tract 181003 included in block groups 2 and 3 and blocks 1003, 1004, 1005, 1006, 1007, 1008 and 1009; and that part of Bexar County tract 181004 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 2005 and 2006; and that part of Bexar County tract 181402 included in block group 1 and blocks 2006, 2007 and 2008; and that part of Bexar County tract 181504 included in block groups 3 and 4 and blocks 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 2001, 2002, 2003, 2004, 2005, 2006 and 2007; and that part of Bexar County tract 181703 included in block group 3 and blocks

1001, 1002, 1003, 1004, 1005, 1006, 1010, 1011, 1012, 2001, 2002, 2003, 2004, 2005, 2006, 2008, 2011, 2012, 2013, 2014, 2015, 2016, 2019, 2020 and 2021; and that part of Bexar County tract 181721 included in block group 2 and blocks 1003, 1004, 1008, 1009, 1010 and 1011; and that part of Bexar County tract 181726 included in blocks 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 2003, 2004, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025 and 3026; and that part of Bexar County tract 181811 included in block 1015; and that part of Bexar County tract 181818 included in block group 3; and that part of Bexar County tract 181822 included in block group 3 and block 1004; and that part of Bexar County tract 182103 included in blocks 1052, 1071, 1073 and 1074; and that part of Bexar County tract 182105 included in blocks 1003, 1004, 1008, 1013, 1015, 1016, 1017, 1019, 1020, 1022, 1024, 1025, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093 and 1094; and that part of Bexar County tract 182106 included in blocks 1003, 1004, 1009, 1011, 1018, 1019, 1021, 1027, 1028, 1031, 1032, 1033, 1034, 1035, 1037, 1038, 1039, 1040, 1041, 1043, 1044, 1047, 1048, 1051, 1053, 1054, 1055, 1058, 1059, 1060, 1061, 1063, 1079, 1080, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2029, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050 and 2051; and that part of Bexar County tract 191101 included in blocks 1031 and 1032; and that part of Bexar County tract 191201 included in blocks 3005, 3006, 3010, 3011 and 3012; and that part of Bexar County tract 191202 included in blocks 1012, 1013, 1014, 2000, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013 and 2014; and that part of Bexar County tract 191304 included in blocks 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1028, 1029, 1030, 1031, 1032, 1033, 1035, 1036, 1037, 1038, 1039, 1040, 1043, 1044, 1045, 1046, 1047, 1048, 1053, 1054, 1055, 2011, 2018, 2019 and 2021; and Hidalgo County tracts 020201, 020803, 023503, 023504, 023509, 023510, 023512, 023600, 023700, 023801, 023802, 023902, 023903, 023904, 024000, 024105, 024107, 024108, 024110, 024111, 024112, 024113, 024114, 024201, 024203, 024204 and 024205; and that part of Hidalgo County tract 020102 included in block group 2 and blocks 1020, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 3020, 3021, 3022, 3023, 3025, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3073, 3074, 3075, 3076, 3077, 3078, 3079, 3080, 3081, 3082, 3083, 3084, 3085, 3086, 3087, 3088, 3089, 3090, 3091, 3092, 3093, 3094, 3095, 3096, 3097, 3098, 3099, 3100, 3101, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3109, 3110, 3111, 3112, 3113, 3114, 3115, 3116, 3117, 3118, 3119, 3120, 3121, 3122, 3123, 3124, 3125, 3126, 3128, 3129, 3130, 3131, 3132, 3133, 3134, 3135, 3136, 3139, 3140, 3141 and 3142; and that part of Hidalgo County tract 020202 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005,

1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1035, 3003, 3004, 3005, 3021, 3022, 3023, 3024, 3025, 3031, 3032, 3033 and 3037; and that part of Hidalgo County tract 020402 included in blocks 2065, 2068, 2069, 2071, 2072 and 2073; and that part of Hidalgo County tract 020804 included in block group 1 and blocks 2000, 2001, 2002, 2007, 2017, 3000, 3001, 3002, 3003, 3004, 3005, 3006 and 3007; and that part of Hidalgo County tract 023507 included in block group 1 and blocks 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020 and 3021; and that part of Hidalgo County tract 023511 included in block group 3 and blocks 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061 and 2062; and that part of Hidalgo County tract 023513 included in block groups 2 and 3; and that part of Hidalgo County tract 024106 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1049, 1050, 1051, 1052, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026 and 3037; and that part of Hidalgo County tract 024109 included in block groups 1 and 3 and blocks 2018, 2019, 2020, 2021, 2030, 2031, 2032, 2033 and 2034; and that part of Hidalgo County tract 024301 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264,

1265, 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291, 1292, 1293, 1294, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1327, 1328, 1329, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1344, 1345, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1380, 1381, 1382, 1383, 1384, 1385, 1386, 1387, 1388, 1389, 1390, 1391, 1392, 1393, 1394, 1395, 1396, 1397, 1398, 1399, 1400, 1401, 1402, 1403, 1404, 1405, 1406, 1407, 1408, 1409, 1410, 1411, 1412, 1413, 1414, 1415, 1416, 1417, 1418, 1419, 1420, 1421, 1422, 1423, 1424, 1425, 1426, 1427, 1428, 1429, 1433, 1434, 1435, 1436, 1437, 1438, 1441, 1442, 1443, 1444, 1445, 1446, 1447, 1449, 1450, 1451, 1452, 1453, 1454, 1501, 1502, 1511, 1512, 1513, 1514, 1515, 1516, 1517, 1518, 1519, 1520, 1521, 1522, 1523, 1524, 1525, 1526, 1527, 1528, 1529, 1530, 1531, 1532, 1533, 1534, 1535, 1536, 1537, 1538, 1539, 1540, 1541, 1542, 1543, 1544, 1545, 1546, 1547, 1548, 1549, 1550, 1551, 1552, 1553, 1554, 1555, 1556, 1557, 1558, 1559, 1560, 1561, 1562, 1563, 1564, 1565, 1566, 1567, 1568, 1569, 1570, 1571, 1572, 1573, 1574, 1575, 1576, 1577, 1578, 1579, 1580, 1581, 1582, 1583, 1584, 1585, 1586, 1587, 1588, 1589, 1590, 1591, 1592, 1593, 1594, 1595, 1596, 1597, 1598, 1599, 1600, 1601, 1602, 1603, 1604, 1605, 1606, 1607, 1608, 1609, 1610, 1611, 1612, 1613, 1614, 1615, 1616, 1617, 1618, 1619, 1620, 1621, 1622, 1623, 1624, 1625, 1626, 1627, 1628, 1629, 1630, 1631, 1632, 1633, 1634, 1635, 1636, 1637, 1638, 1639, 1640, 1641, 1642, 1643, 1644, 1645, 1646, 1647, 1648, 1649, 1650, 1651, 1652, 1653, 1654, 1655, 1656, 1657, 1658, 1659, 1660, 1661, 1662, 1671, 1672, 1673, 1674, 1675, 1676, 1677, 1678, 1679, 1680, 1681, 1682, 1683, 1684, 1685, 1686, 1687, 1688, 1689, 1690, 1691, 1692, 1693, 1694, 1695, 1696, 1697, 1698, 1699, 1700, 1701, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1710, 1711, 1712, 1713, 1714, 1715, 1716, 1717, 1718, 1719, 1720, 1721, 1722, 1723, 1724, 1725, 1726, 1727, 1728, 1729, 1730, 1731, 1732, 1733, 1734, 1735, 1736, 1737, 1738, 1739, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1748, 1749, 1750, 1751, 1752, 1753, 1754, 1755, 1756, 1757, 1758, 1759, 1760, 1761, 1762, 1763, 1764, 1765, 1766, 1767, 1768, 1769 and 1770.

SECTION 4. District 4 is composed of Fort Bend County tracts 670101, 670102, 670200, 670300, 670400, 670500, 670601, 670602, 670700 and 671200; and that part of Fort Bend County tract 670800 included in blocks 1004, 1008, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1036, 1037, 1038, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3073, 3074, 3075, 3076, 3077, 3078, 3079 and 3080; and that part of Fort Bend County tract 670901 included in block group 2 and blocks 1000, 1001, 1051, 1052, 3022, 3025, 3026, 3027, 3028,

3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038 and 3039; and that part of Fort Bend County tract 670902 included in block group 1 and blocks 2000, 2001, 2002, 2003, 2010, 2011, 2012, 2013, 2014 and 2015; and that part of Fort Bend County tract 671002 included in block groups 2 and 3 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 4000, 4001, 4002, 4003 and 4009; and that part of Fort Bend County tract 671100 included in block group 4 and blocks 1000, 1001, 1002, 1003, 1004, 1006, 1007, 1009 and 1010; and that part of Fort Bend County tract 671300 included in block group 2 and blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1015, 1016, 1019, 1025, 1026, 1027, 1028, 1029, 1031, 1032 and 1033; and that part of Fort Bend County tract 671400 included in blocks 2049, 2050 and 2051; and that part of Fort Bend County tract 671800 included in blocks 1003, 1004, 1005, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1071, 1073, 1074, 1075, 1076, 1078, 1079, 1080, 1081, 1082, 1083, 2060, 2061, 2062, 2063 and 2146; and Harris County tracts 100000, 210100, 210600, 210700, 210900, 211000, 211100, 211200, 211300, 211400, 211500, 211600, 211700, 211900, 212400, 212500, 220100, 220200, 220300, 220400, 220500, 220600, 220700, 220800, 220900, 221000, 221100, 221200, 221300, 221400, 221500, 221600, 221700, 221800, 221900, 222000, 222100, 222200, 222300, 222401, 222402, 222501, 222502, 222503, 222600, 222700, 222800, 222900, 223001, 223002, 223100, 230100, 230200, 230300, 230400, 230500, 230600, 230700, 230800, 230900, 231000, 231100, 231200, 231300, 231400, 231500, 231600, 231700, 231800, 231900, 232000, 232100, 232200, 232301, 232302, 232402, 232403, 232500, 232600, 232701, 232702, 232800, 232900, 233001, 233400, 233500, 233600, 240100, 240501, 240502, 240600, 240702, 310100, 310200, 310300, 310400, 310500, 310600, 310700, 310800, 310900, 311000, 311100, 311200, 311300, 311400, 311500, 311600, 311700, 311800, 311900, 312000, 312100, 312200, 312300, 312400, 312500, 312600, 312700, 312800, 312900, 313000, 313100, 313200, 313300, 313400, 313500, 313600, 313700, 313800, 313900, 314001, 314002, 314400, 320100, 320200, 320500, 320601, 320602, 320700, 320800, 320900, 321000, 321100, 321200, 321300, 321401, 321402, 321500, 321700, 321800, 323500, 323600, 323701, 323702, 324000, 330100, 330200, 330301, 330302, 330303, 330400, 330500, 330600, 330700, 330800, 330900, 331100, 331200, 331300, 331400, 331500, 331601, 331602, 331700, 331800, 331900, 332000, 332100, 332200, 332300, 332400, 332500, 332600, 332700, 332800, 332900, 333000, 333100, 333201, 333202, 333300, 333500, 333600, 333700, 333800, 333901, 333902, 334001, 334002, 334003, 334100, 340100, 342002, 350200, 350300, 350400, 350500, 420100, 420200, 420300, 420400, 420500, 420600, 420700, 421900, 422000, 422100, 422200, 422301, 422302, 422401, 422402, 422500, 423100, 423201, 423202, 423301, 423302, 423401, 423402, 423500, 423600, 433600, 440100, 451700, 451800, 451901, 452600, 452700, 452801, 453200, 453300, 453401, 453402, 453403, 453501,

453502, 453800, 453900, 454000, 454100, 454200, 454301, 454302, 530100, 530200, 530300, 530400, 530500, 530600, 530700, 530800, 530900, 531000, 531100, 531200, 531300, 531400, 531500, 531600, 531700, 531800, 531900, 532001, 532002, 532100, 532200, 532600, 532700, 532800, 532900, 533000, 533100, 533200, 533300, 533400, 533500, 533600, 533701, 533702, 533801, 533802, 533901, 533902, 534001, 534003, 550100, 550200, 550301, 550302, 550401, 550402, 550500, 550601, 550602, 550603, 550700, 550800, 550900, 551000, 551100, 551200, 551300, 551400, 980000 and 980100; and that part of Harris County tract 210400 included in block 1000; and that part of Harris County tract 210500 included in block groups 1 and 2 and blocks 3019, 3020, 3021, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052 and 3053; and that part of Harris County tract 210800 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1087, 1088, 1089, 1090, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2012, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2054, 2055, 2056, 2057, 2058 and 2060; and that part of Harris County tract 212300 included in block group 3; and that part of Harris County tract 232401 included in block groups 2, 3 and 4 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1041, 1042, 1043, 1044, 1045, 1046, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102 and 1103; and that part of Harris County tract 233002 included in blocks 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1021, 1022, 1023, 2017 and 2018; and that part of Harris County tract 233003 included in blocks 1001, 1002, 1003, 1004, 1011 and 1012; and that part of Harris County tract 233101 included in blocks 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2020, 2021, 2022, 2023 and 2024; and that part of Harris County tract 233200 included in blocks 1000, 1001, 1002, 1003, 4000, 4001, 4002 and 4003; and that part of Harris County tract 233701 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1078, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106,

1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1134, 1135, 1161, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187 and 1188; and that part of Harris County tract 233702 included in blocks 1000 and 1003; and that part of Harris County tract 233703 included in block 1019; and that part of Harris County tract 240400 included in block group 2 and blocks 1052, 1053, 1054, 1056, 1057, 1058, 1060, 1061, 1063, 1064, 1065, 1066, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1079, 1080, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119 and 1120; and that part of Harris County tract 241500 included in block groups 2, 3 and 4 and blocks 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124 and 1125; and that part of Harris County tract 250100 included in blocks 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068 and 2069; and that part of Harris County tract 250200 included in block group 1 and blocks 2009, 2012, 2021, 2030, 2037, 2038, 2039, 2040 and 2042; and that part of Harris County tract 250301 included in blocks 2014, 2015 and 2030; and that part of Harris County tract 250402 included in blocks 1112, 1113 and 1114; and that part of Harris County tract 250600 included in blocks 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028 and 1029; and that part of Harris County tract 252200 included in blocks 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2268, 2269, 2270, 2271 and 2272; and that part of Harris County tract 314300 included in block groups 1 and 3 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034 and 2035; and that part of Harris County tract 321600 included in blocks 3015, 3016, 3017, 3018 and 3019; and that part of Harris County tract 321900 included in block groups 2, 3 and 4 and blocks 1021, 1022, 1023 and 1024; and that part of Harris County tract 323400 included in block groups 3 and 4 and blocks 2011, 2012, 2013, 2014 and 2015; and that part of Harris County tract 323801 included in block group 2 and blocks 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036 and 1037; and that part of Harris County tract 323802 included in blocks 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024,

2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060 and 2061; and that part of Harris County tract 324200 included in blocks 1020, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1205 and 1206; and that part of Harris County tract 340201 included in blocks 1016, 1017, 1036, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1132 and 1133; and that part of Harris County tract 350100 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1036, 1037, 1038, 1039, 1040, 1041, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1087, 1088, 1089, 1090, 1098, 1102, 1103, 1110, 1111, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096 and 2100; and that part of Harris County tract 350601 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054 and 1069; and that part of Harris County tract 410100 included in blocks 1012, 1013, 1050, 1051, 1052, 1078, 1079, 1080, 1082, 1084 and 1085; and that part of Harris County tract 410600 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063 and 1064; and that part of Harris County tract 412200 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1021, 1022, 1023, 1024 and 1031; and that part of Harris County tract 423000 included in blocks

1011, 1012, 1013, 1014, 1015 and 1016; and that part of Harris County tract 433502 included in blocks 1010, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2012, 2013, 2014 and 2015; and that part of Harris County tract 452000 included in block groups 1 and 2 and blocks 3016, 3017, 3018, 3021, 3022, 3023, 3024 and 3025; and that part of Harris County tract 452500 included in block groups 1 and 3; and that part of Harris County tract 453100 included in block group 1; and that part of Harris County tract 453602 included in block group 2 and blocks 3000, 3001, 3005, 3006, 3007, 3009, 3011, 3012, 3016, 3017 and 3018; and that part of Harris County tract 453700 included in block groups 1 and 2 and blocks 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040 and 3041; and that part of Harris County tract 454400 included in blocks 1064, 1066, 1087 and 1093; and that part of Harris County tract 510100 included in blocks 1068 and 1072; and that part of Harris County tract 520500 included in blocks 1089 and 1090; and that part of Harris County tract 534002 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043 and 1044; and that part of Harris County tract 551500 included in block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2114, 2115, 2116, 2117, 2118, 2119, 2124, 2125, 2128, 2129, 2131, 2132, 2133, 2134, 2136, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157 and 2158.

SECTION 5. District 5 is composed of Bastrop, Blanco, Caldwell, Comal, Guadalupe, Hays and Kendall Counties; and Bexar County tracts 121108, 121110, 121111, 121112, 121115, 121116, 121117, 121118, 121119, 121120, 121121, 121122, 121203, 121204, 121205, 121206, 121501, 121504, 121505, 121507, 121601, 121604, 121605, 121606, 121701, 121702, 121802, 121803, 121804, 121808, 121809, 121810, 121811, 121812, 121813, 121903, 121904, 121905, 121906, 121907, 121908, 121909, 121910, 131601, 131608, 131610, 131611, 131700, 181100, 181200, 181301, 181302, 181303, 181403, 181404, 181720, 181724, 181808, 181809, 181813, 181814, 181815, 181816, 181819, 181820, 181821, 181823, 181824, 181825, 181826, 181901, 181902, 182001, 182002, 182003, 182101, 182102, 191303, 191405, 191406, 191408, 191409, 191410, 191411, 191412, 191413, 191503, 191504, 191505, 191506, 191701, 191702, 191804, 191806, 191807, 191808, 191809, 191810, 191811, 191812, 191813, 191814, 191815, 191816, 191817, 192300, 980001 and 980004; and that part of Bexar County tract 120901 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1012, 1014, 1015, 1016 and 1017; and that part of Bexar County tract 121000 included in block groups 4, 5 and 6 and blocks 3006,

3007 and 3017; and that part of Bexar County tract 121300 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 2002, 2003, 2004, 2005, 2010 and 4019; and that part of Bexar County tract 121506 included in block groups 1, 2 and 4 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013 and 3014; and that part of Bexar County tract 121508 included in block groups 1 and 2 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008 and 3009; and that part of Bexar County tract 131606 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1020, 1021 and 1052; and that part of Bexar County tract 131609 included in block groups 2 and 3 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1030, 1031, 1032, 1033, 1034 and 1035; and that part of Bexar County tract 131613 included in blocks 1000, 1001, 1002, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010 and 2011; and that part of Bexar County tract 131802 included in blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2030 and 2046; and that part of Bexar County tract 181001 included in blocks 1000, 1001, 1003, 1004, 1005, 1006, 1007, 1008 and 1010; and that part of Bexar County tract 181003 included in blocks 1000, 1001 and 1002; and that part of Bexar County tract 181004 included in blocks 1008, 2000, 2001, 2002, 2003, 2004, 2007, 2008, 2009 and 2010; and that part of Bexar County tract 181402 included in blocks 2000, 2001, 2002, 2003, 2004 and 2005; and that part of Bexar County tract 181504 included in blocks 1000, 1001 and 2000; and that part of Bexar County tract 181703 included in blocks 1000, 1007, 1008, 1009, 2000, 2007, 2009, 2010, 2017 and 2018; and that part of Bexar County tract 181721 included in blocks 1000, 1001, 1002, 1005, 1006, 1007, 1012, 1013, 1014 and 1015; and that part of Bexar County tract 181726 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 2000, 2001, 2002, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2029, 2030, 2031, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3027, 3028 and 3029; and that part of Bexar County tract 181811 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013 and 1014; and that part of Bexar County tract 181818 included in block groups 1 and 2; and that part of Bexar County tract 181822 included in block group 2 and blocks 1000, 1001, 1002, 1003 and 1005; and that part of Bexar County tract 182103 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1072, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115,

1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153 and 1154; and that part of Bexar County tract 182105 included in blocks 1000, 1001, 1002, 1005, 1006, 1007, 1009, 1010, 1011, 1012, 1014, 1018, 1021, 1023, 1026, 1027, 1046 and 1047; and that part of Bexar County tract 182106 included in blocks 1000, 1001, 1002, 1005, 1006, 1007, 1008, 1010, 1012, 1013, 1014, 1015, 1016, 1017, 1020, 1022, 1023, 1024, 1025, 1026, 1029, 1030, 1036, 1042, 1045, 1046, 1049, 1050, 1052, 1056, 1057, 1062, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 2008, 2009, 2010, 2019, 2028, 2030, 2031, 2032, 2033 and 2034; and that part of Bexar County tract 191101 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029 and 1030; and that part of Bexar County tract 191201 included in block groups 1 and 2 and blocks 3000, 3001, 3002, 3003, 3004, 3007, 3008 and 3009; and that part of Bexar County tract 191202 included in block groups 3 and 4 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1015, 2001, 2002, 2003, 2004 and 2005; and that part of Bexar County tract 191304 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1025, 1026, 1027, 1034, 1041, 1042, 1049, 1050, 1051, 1052, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2012, 2013, 2014, 2015, 2016, 2017 and 2020; and Travis County tracts 000801, 000902, 001000, 001304, 001307, 001308, 001401, 001402, 001403, 001712, 001713, 001728, 001729, 001733, 001737, 001738, 001740, 001741, 001742, 001746, 001747, 001748, 001749, 001750, 001764, 001768, 001769, 001770, 001772, 001773, 001774, 001775, 001776, 001777, 001778, 001783, 001784, 001854, 001856, 001859, 001901, 001908, 001913, 001914, 001915, 001916, 001917, 001918, 001919, 002002, 002003, 002004, 002005, 002110, 002202, 002207, 002208, 002209, 002210, 002211, 002212, 002304, 002307, 002308, 002310, 002312, 002313, 002314, 002315, 002316, 002317, 002318, 002319, 002402, 002403, 002407, 002409, 002410, 002411, 002412, 002413, 002419, 002421, 002422, 002423, 002424, 002425, 002426, 002427, 002428, 002429, 002430, 002431, 002432, 002433, 002434, 002435, 002436 and 980000; and that part of Travis County tract 001100 included in block group 2 and blocks 1153 and 1154; and that part of Travis County tract 001200 included in block 2047; and that part of Travis County tract 001303 included in block groups 2 and 3 and blocks 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026 and 1027; and that part of Travis County tract 001305 included in block groups 2, 3 and 4 and blocks 1000, 1001, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019 and 1020; and that part of Travis County tract 001602 included in blocks 1001, 3010, 3016 and 3017; and that part of Travis County tract 001604 included in block 1003; and that part of Travis County tract 001771 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036,

1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044 and 2046; and that part of Travis County tract 001833 included in block 2021; and that part of Travis County tract 001834 included in blocks 1025, 1026, 1027, 1028, 1029, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2067, 2068, 2072, 2073, 2074, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2096 and 2097; and that part of Travis County tract 001839 included in blocks 1034 and 1048; and that part of Travis County tract 001842 included in block group 1 and blocks 2000, 2007, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022 and 2028; and that part of Travis County tract 001855 included in block groups 1, 3 and 4 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2054 and 2055; and that part of Travis County tract 001858 included in block groups 1, 2, 4 and 5 and blocks 3000, 3001, 3002, 3003, 3005, 3006, 3007, 3008, 3009, 3021, 3022, 3023, 3027, 3028 and 3029; and that part of Travis County tract 001910 included in block groups 2, 3 and 4 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1044 and 1045; and that part of Travis County tract 001911 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019 and 1020; and that part of Travis County tract 001912 included in block group 1 and blocks 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2025 and 2026; and that part of Travis County tract 002108 included in block group 1 and blocks 2005, 2006, 2007 and 2008; and that part of Travis County tract 002109 included in block group 3; and that part of Travis County tract 002111 included in block groups 2 and 3 and blocks 1002, 1004, 1005, 1006, 1007, 1008, 1009 and 1010; and that part of Travis County tract 002201 included in blocks 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1015, 1016, 1017, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 2000, 2001, 2002, 2003, 2004, 2005, 2007, 2008, 2009, 2010, 2011, 2012, 2013 and 2014.

SECTION 6. District 6 is composed of Harris County tracts 410200, 410300, 410401, 410402, 410500, 410701, 410702, 410800, 410900, 411000, 411100, 411200, 411300, 411400, 411501, 411502, 411600, 411700, 411800, 411900,

412000, 412100, 412300, 412400, 412500, 412600, 412700, 412800, 412900, 413000, 413100, 413201, 413202, 413300, 420800, 420900, 421000, 421101, 421102, 421201, 421202, 421300, 421401, 421402, 421403, 421500, 421600, 421700, 421800, 422600, 422701, 422702, 422800, 422900, 430100, 430200, 430300, 430400, 430500, 430600, 430700, 430800, 430900, 431000, 431101, 431102, 431201, 431202, 431301, 431302, 431401, 431402, 431501, 431502, 431600, 431700, 431801, 431802, 431900, 432001, 432002, 432100, 432200, 432300, 432400, 432500, 432600, 432701, 432702, 432801, 432802, 432901, 432902, 433001, 433002, 433003, 433100, 433201, 433202, 433300, 433400, 433501, 450100, 450200, 450300, 450400, 450500, 450600, 450700, 450801, 450802, 450900, 451001, 451002, 451100, 451200, 451300, 451401, 451402, 451403, 451500, 451601, 451602, 451902, 452100, 452201, 452202, 452300, 452400, 452802, 452900, 453000, 453601, 454501, 454502, 454600, 454700, 454800, 454900, 455000, 455101, 455102, 455200, 455300, 510200, 510300, 510400, 510500, 510600, 510700, 510800, 510900, 511001, 511002, 511100, 511200, 511301, 511302, 511400, 511500, 511600, 520100, 520200, 520300, 520400, 520601, 520602, 520700, 521000, 521100, 521200, 521300, 521400, 521500, 521600, 521700, 521800, 521900, 522000, 522100, 522201, 522202, 522301, 522302, 522401, 522402, 522500, 532300, 532400, 532501, 532502, 534100, 534201, 534202, 534203, 540100, 540200, 540501, 540502, 540601, 540602, 540700, 540800, 540901, 540902, 541001, 541002, 541003, 541100, 541201, 541202, 541203, 541300, 541400, 541500, 541601, 541602, 541700, 541800, 541900, 542000, 542101, 542102, 542200, 542301, 542302, 542400, 542500, 542600, 542700, 542800, 542900, 543001, 543002, 543003, 543100, 543200, 551600, 551701, 551702, 551703, 551800, 551900, 552001, 552002, 552101, 552102, 552103, 552200, 552301, 552302, 552400, 552500, 552601, 552602, 552700, 552800, 552900, 553001, 553002, 553600, 553700, 553801, 553802, 553900, 554001, 554002, 554101, 554102, 554200, 554301, 554302, 554401, 554402, 554403, 554501, 554502, 554600, 554700, 554801, 554802, 554901, 554902, 554903, 555301, 555302, 555303, 555401, 555402, 555501, 555502, 555600, 555701, 555702 and 556000; and that part of Harris County tract 210400 included in block groups 2, 3 and 4 and blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029 and 1030; and that part of Harris County tract 210500 included in blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3022, 3023, 3024 and 3025; and that part of Harris County tract 210800 included in blocks 1085, 1086, 2011, 2013, 2014, 2015, 2016, 2017, 2050, 2051, 2052, 2053 and 2059; and that part of Harris County tract 212300 included in block groups 1, 2, 4 and 5; and that part of Harris County tract 314300 included in block 2011; and that part of Harris County tract 410100 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068,

1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1081 and 1083; and that part of Harris County tract 410600 included in blocks 1033, 1034, 1035, 1036, 1049 and 1050; and that part of Harris County tract 412200 included in block groups 2, 3 and 4 and blocks 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1025, 1026, 1027, 1028, 1029 and 1030; and that part of Harris County tract 423000 included in block groups 2 and 3 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009 and 1010; and that part of Harris County tract 433502 included in block groups 3 and 4 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1011, 2010 and 2011; and that part of Harris County tract 452000 included in blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3019, 3020 and 3026; and that part of Harris County tract 452500 included in block group 2; and that part of Harris County tract 453100 included in block group 2; and that part of Harris County tract 453602 included in block groups 1 and 4 and blocks 3002, 3003, 3004, 3008, 3010, 3013, 3014 and 3015; and that part of Harris County tract 453700 included in block group 4 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3042, 3043, 3044, 3045, 3046, 3047 and 3048; and that part of Harris County tract 454400 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1065, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1088, 1089, 1090, 1091, 1092 and 1094; and that part of Harris County tract 510100 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1069, 1070, 1071, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089 and 1090; and that part of Harris County tract 520500 included in block groups 2, 3 and 4 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125 and 1126; and that part of Harris County tract 534002 included in blocks 1045, 1046, 1047, 1048, 1049 and 1050; and that part of Harris

County tract 551500 included in blocks 2047, 2048, 2049, 2050, 2051, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2108, 2109, 2110, 2111, 2112, 2113, 2120, 2121, 2122, 2123, 2126, 2127, 2130, 2135 and 2137.

SECTION 7. District 7 is composed of Brazoria, Chambers, Galveston, Hardin, Jasper, Jefferson, Liberty, Newton, Orange and Tyler Counties; and Fort Bend County tracts 671001, 671501, 671502, 671601, 671602, 671700, 671900, 672001, 672002, 672100, 672200, 672301, 672302, 672400, 672500, 672601, 672602, 672701, 672702, 672800, 672900, 673001, 673002, 673003, 673101, 673102, 673200, 673300, 673400, 673500, 673600, 673700, 673800, 673901, 673902, 674000, 674100, 674200, 674300, 674400, 674501, 674502, 674601, 674602, 674603, 674604, 674700, 674800, 674900, 675000, 675100, 675200, 675300, 675400, 675500, 675600, 675700 and 675800; and that part of Fort Bend County tract 670800 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1005, 1006, 1007, 1009, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1034, 1035, 3000, 3001, 3061, 3062, 3063 and 3064; and that part of Fort Bend County tract 670901 included in blocks 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1053, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3023 and 3024; and that part of Fort Bend County tract 670902 included in blocks 2004, 2005, 2006, 2007, 2008 and 2009; and that part of Fort Bend County tract 671002 included in blocks 1012, 1013, 1014, 4004, 4005, 4006, 4007 and 4008; and that part of Fort Bend County tract 671100 included in block groups 2 and 3 and blocks 1005, 1008, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036 and 1037; and that part of Fort Bend County tract 671300 included in blocks 1000, 1012, 1013, 1014, 1017, 1018, 1020, 1021, 1022, 1023, 1024 and 1030; and that part of Fort Bend County tract 671400 included in block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047 and 2048; and that part of Fort Bend County tract 671800 included in blocks 1000, 1001, 1002, 1006, 1007, 1069, 1070, 1072, 1077, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145 and 2147.

SECTION 8. District 8 is composed of Angelina, Austin, Grimes, Houston, Montgomery, Polk, San Jacinto, Trinity, Walker, Waller and Washington Counties; and Harris County tracts 233102, 233103, 233300, 240701, 240801, 240802, 240901, 240902, 241000, 241101, 241102, 241103, 241200, 241300, 241400, 250302, 250401, 250500, 250701, 250702, 250800, 250900, 251000, 251100, 251200, 251300, 251401, 251402, 251501, 251502, 251503, 251600, 251700, 251800, 251901, 251902, 252000, 252100, 252301, 252302, 252400, 252500, 252600, 252700, 252800, 252900, 253000, 253100, 253200, 253300, 253400, 253500, 253600, 253700, 253800, 253900, 254000, 254100, 254200, 254300, 254400, 254500, 254600, 254700, 322000, 322100, 322200, 322600, 322700, 322800, 322900, 323000, 323100, 323200, 323300, 323900, 324100, 340202, 340203, 340301, 340302, 340400, 340500, 340600, 340700, 340800, 340900, 341000, 341100, 341201, 341202, 341301, 341302, 341400, 341501, 341502, 341600, 341700, 341800, 342001, 342100, 342200, 342300, 342400, 342500, 342700, 342800, 342900, 343000, 343100, 343200, 343301, 343302, 343600, 343700, 350602, 350700, 350801, 350802, 553100, 553200, 553300, 553401, 553402, 553403, 553500, 555000, 555100 and 555200; and that part of Harris County tract 232401 included in blocks 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1078, 1087, 1088, 1089, 1090, 1091, 1104 and 1105; and that part of Harris County tract 233002 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1015, 1016, 1017, 1018, 1019, 1020, 1024, 1025, 1026, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016 and 2019; and that part of Harris County tract 233003 included in block group 2 and blocks 1000, 1005, 1006, 1007, 1008, 1009, 1010, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020 and 1021; and that part of Harris County tract 233101 included in block groups 1 and 3 and blocks 2000, 2001, 2002, 2003, 2004, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050 and 2051; and that part of Harris County tract 233200 included in block groups 2 and 3 and blocks 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012 and 4013; and that part of Harris County tract 233701 included in blocks 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1079, 1133, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1162, 1163, 1164, 1165, 1175, 1176, 1177 and 1189; and that part of Harris County tract 233702 included in block groups 2 and 3 and blocks 1001, 1002, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019 and 1020; and that part of Harris County tract 233703 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081,

1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147 and 1148; and that part of Harris County tract 240400 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1055, 1059, 1062, 1067, 1077, 1078, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090 and 1121; and that part of Harris County tract 241500 included in blocks 1000, 1001, 1002, 1029, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1088, 1089, 1105, 1106, 1107, 1108, 1109, 1110 and 1111; and that part of Harris County tract 250100 included in block groups 1 and 3 and blocks 2000 and 2040; and that part of Harris County tract 250200 included in blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2010, 2011, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2031, 2032, 2033, 2034, 2035, 2036, 2041 and 2043; and that part of Harris County tract 250301 included in block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2031, 2032, 2033, 2034, 2035, 2036, 2037 and 2038; and that part of Harris County tract 250402 included in block groups 2 and 3 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1115, 1116, 1117, 1118 and 1119; and that part of Harris County tract 250600 included in block groups 2, 3, 4 and 5 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019 and 1020; and that part of Harris County tract 252200 included in block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122,

2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498 and 2499; and that part of Harris County tract 321600 included in block groups 1, 2, 4 and 5 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030 and 3031; and that part of Harris County tract 321900 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019 and 1020; and that part of Harris County tract 323400 included in block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009 and 2010; and that part of Harris County tract 323801 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009 and 1010; and that part of Harris County tract 323802 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1025, 2000, 2001 and 2002; and that part of Harris County tract 324200 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1199, 1200, 1201, 1202, 1203, 1204, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215,

1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247 and 1248; and that part of Harris County tract 340201 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1081, 1082, 1128, 1129, 1130 and 1131; and that part of Harris County tract 350100 included in blocks 1035, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1085, 1086, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1099, 1100, 1101, 1104, 1105, 1106, 1107, 1108, 1109, 1112, 2028, 2029, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2097, 2098 and 2099; and that part of Harris County tract 350601 included in block group 2 and blocks 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120 and 1121.

SECTION 9. District 9 is composed of Bowie, Camp, Cass, Cooke, Delta, Fannin, Franklin, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Lamar, Marion, Morris, Nacogdoches, Panola, Rains, Red River, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt and Wood Counties; and Collin County tracts 030100, 030201, 030202, 030203, 030301, 030302, 030303, 030304, 030305, 030403, 030513, 030514, 030515, 030516, 030517, 030518, 030519, 030520, 030521, 030522, 030523, 030524, 030525, 030526, 030527, 030528, 030529, 030530, 030531, 030601, 030603, 030604, 030605, 030701, 030702, 030801, 030802, 030900, 031001, 031003, 031004, 031100, 031405, 031406, 031407, 031408, 031504 and 031507; and that part of Collin County tract 030408 included in block group 6 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1042, 1043, 1044, 1079, 1080, 1081, 1082, 1085, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2022, 2023 and 2031; and that part of Collin County tract 031201 included in block group 3 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1071, 1072, 1073, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046,

2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2087, 2088, 2089, 2090, 2091, 2092 and 2093; and that part of Collin County tract 031202 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086 and 1087; and that part of Collin County tract 031310 included in blocks 2086 and 2088; and that part of Collin County tract 031314 included in blocks 1000, 1001, 1031, 1032, 1051, 1052, 1053 and 1054; and that part of Collin County tract 031410 included in block groups 2, 3, 4 and 5 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1007, 1008 and 1009; and that part of Collin County tract 031506 included in block group 2 and blocks 1000, 1001, 1002, 1030, 1031, 1032, 1033, 1034, 1041, 1042, 1067, 1068, 1069 and 1070; and that part of Collin County tract 031508 included in block groups 2 and 3 and blocks 1000, 1001, 1002, 1003, 1047, 1048, 1049 and 1051; and that part of Collin County tract 031640 included in blocks 1000, 1029, 1030, 1031, 1032, 1033, 3000, 3017, 3018, 3019, 3020, 3021, 3040 and 3041.

SECTION 10. District 10 is composed of Anderson, Bell, Brazos, Burleson, Cherokee, Freestone, Lee, Leon, Limestone, Madison, Milam, Robertson and Williamson Counties; and Travis County tracts 000101, 000102, 000203, 000204, 000205, 000206, 000302, 000304, 000305, 000306, 000307, 000401, 000402, 000500, 000601, 000603, 000604, 000700, 000802, 000803, 000804, 000901, 001501, 001503, 001504, 001505, 001603, 001605, 001606, 001705, 001706, 001707, 001714, 001716, 001718, 001719, 001722, 001745, 001751, 001752, 001753, 001754, 001755, 001756, 001757, 001760, 001761, 001765, 001766, 001779, 001780, 001781, 001782, 001785, 001786, 001804, 001805, 001806, 001811, 001812, 001813, 001817, 001818, 001819, 001820, 001821, 001822, 001823, 001824, 001826, 001828, 001829, 001832, 001835, 001840, 001841, 001843, 001844, 001845, 001846, 001847, 001848, 001849, 001850, 001851, 001853, 001857, 001860, 001861, 001862, 001863, 001864, 002104, 002105, 002106, 002107, 002112, 002113 and 002500; and that part of Travis County tract 001100 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141,

1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152 and 1155; and that part of Travis County tract 001200 included in block groups 1 and 3 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071 and 2072; and that part of Travis County tract 001303 included in blocks 1000 and 1001; and that part of Travis County tract 001305 included in block 1002; and that part of Travis County tract 001602 included in block group 2 and blocks 1000, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3011, 3012, 3013, 3014 and 3015; and that part of Travis County tract 001604 included in block groups 2, 3 and 4 and blocks 1000, 1001, 1002, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040 and 1041; and that part of Travis County tract 001771 included in blocks 1013, 1014 and 2045; and that part of Travis County tract 001833 included in block groups 1, 3 and 4 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020 and 2022; and that part of Travis County tract 001834 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1030, 1031, 2065, 2066, 2069, 2070, 2071, 2075, 2091, 2092, 2093, 2094 and 2095; and that part of Travis County tract 001839 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046 and 1047; and that part of Travis County tract 001842 included in blocks 2001, 2002, 2003, 2004, 2005, 2006, 2008, 2023, 2024, 2025, 2026 and 2027; and that part of Travis County tract 001855 included in block group 5 and block 2053; and that part of Travis County tract 001858 included in blocks 3004, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3024, 3025, 3026, 3030 and 3031; and that part of Travis County tract 001910 included in blocks 1042 and 1043; and that part of Travis County tract 001911 included in block 1021; and that part of Travis County tract 001912 included in blocks 2000 and 2024; and that part of Travis County tract 002108 included in blocks 2000, 2001, 2002, 2003 and 2004; and that part of Travis County tract 002109 included in block groups 1 and 2; and that part of Travis County tract 002111 included in blocks 1000, 1001 and 1003; and that part of Travis County tract 002201 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1013, 1014, 1018, 1019, 1020, 1021, 1022, 1023, 1033, 1034, 1035 and 2006.

SECTION 11. District 11 is composed of Hood, Johnson and Parker Counties; and Tarrant County tracts 100101, 100102, 100201, 100202, 100300, 100400, 100501, 100502, 100601, 100602, 100700, 100800, 102000, 102100, 102201,

102202, 102301, 102302, 102401, 102402, 102500, 102601, 102602, 102700, 102800, 104100, 104201, 104202, 104300, 104400, 104503, 104701, 104802, 104803, 104804, 104900, 105001, 105006, 105007, 105008, 105201, 105203, 105204, 105205, 105403, 105404, 105405, 105406, 105502, 105505, 105507, 105508, 105513, 105514, 105600, 105701, 105703, 105800, 106510, 106517, 106518, 106600, 106700, 110101, 110102, 110202, 110203, 110204, 110302, 110401, 110402, 110500, 110600, 110701, 110703, 110704, 110805, 110806, 110807, 110808, 110809, 110901, 110903, 110905, 110906, 110907, 111010, 111203, 111204, 111301, 111304, 111306, 111307, 111308, 111309, 111310, 111311, 111312, 111313, 111314, 111402, 111404, 111405, 111406, 111407, 111408, 111409, 111513, 111514, 111516, 111525, 111529, 111530, 111531, 111532, 111533, 111534, 111538, 111539, 111540, 111541, 111542, 111543, 111544, 111545, 111546, 111547, 111548, 111549, 111550, 111551, 111552, 111553, 113102, 113104, 113107, 113108, 113109, 113110, 113111, 113112, 113113, 113114, 113115, 113116, 113206, 113207, 113210, 113212, 113213, 113214, 113215, 113216, 113217, 113218, 113220, 113221, 113301, 113302, 113403, 113404, 113405, 113407, 113408, 113509, 113510, 113511, 113512, 113513, 113514, 113516, 113517, 113518, 113519, 113520, 113607, 113610, 113611, 113612, 113613, 113618, 113619, 113622, 113623, 113624, 113625, 113626, 113627, 113628, 113629, 113630, 113631, 113632, 113633, 113634, 113703, 113705, 113707, 113709, 113710, 113711, 113803, 113808, 113809, 113810, 113811, 113812, 113813, 113814, 113815, 113816, 113906, 113907, 113908, 113909, 113910, 113911, 113912, 113916, 113917, 113918, 113919, 113920, 113921, 113922, 113923, 113924, 113925, 113926, 113927, 113928, 113929, 114003, 114005, 114006, 114007, 114008, 114102, 114103, 114104, 114203, 114204, 114205, 114206, 114207, 123000 and 980000; and that part of Tarrant County tract 100900 included in block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2071, 2072 and 2073; and that part of Tarrant County tract 101202 included in blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066 and 2068; and that part of Tarrant County tract 104502 included in block group 2 and blocks 1012, 1013, 1014, 1015, 1016, 1017, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074 and 1075; and that part of Tarrant County tract 104702 included in block groups 2 and 3 and blocks 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024,

1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1056, 1058 and 1059; and that part of Tarrant County tract 105503 included in block groups 1, 2, 3 and 4 and blocks 5000, 5001, 5002, 5003, 5004, 5005, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5014, 5015, 5016, 5017, 5018, 5019, 5020, 5021, 5022, 6000, 6001, 6002, 6003, 6004, 6005, 6016, 6017, 6018, 6019, 6020, 6021, 6022, 6023, 6024, 6025, 6026, 6027, 6028, 6029, 6030, 6031, 6032, 6033, 6034, 6035, 6036, 6037, 6038, 6042 and 6043; and that part of Tarrant County tract 105512 included in block groups 2 and 3; and that part of Tarrant County tract 105901 included in block groups 1 and 2; and that part of Tarrant County tract 106004 included in block 2043; and that part of Tarrant County tract 106400 included in blocks 1022 and 1023; and that part of Tarrant County tract 106509 included in block groups 1 and 2 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027 and 3029; and that part of Tarrant County tract 110301 included in block groups 1 and 2 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3029, 3030, 3031, 3032, 3033, 3034, 3035 and 3036; and that part of Tarrant County tract 111003 included in block groups 2 and 3 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1030, 1031, 1032, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1046, 1047, 1048, 1053, 1054 and 1055; and that part of Tarrant County tract 111008 included in block groups 2 and 3 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1017, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052 and 1053; and that part of Tarrant County tract 111013 included in block group 2 and blocks 1004, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1041, 1042, 3037, 3038 and 3041; and that part of Tarrant County tract 111015 included in block group 1 and blocks 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017 and 2018; and that part of Tarrant County tract 111016 included in block groups 1 and 3 and blocks 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036 and 2037; and that part of Tarrant County tract 111017 included in blocks 1016, 1019, 1020 and 1036; and that part of Tarrant County tract 111018 included in block group 2 and blocks 1004, 1006, 1007, 1008, 1009, 1010, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025 and 1026; and that part of Tarrant County tract 111506 included in blocks 1024, 1025, 1026, 1030, 1031, 3002, 3003, 3004, 3005 and 3006; and that part of Tarrant County tract 111524 included in block group 5; and that part of Tarrant County tract 111526 included in blocks 1000, 1001, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2019, 2020, 2021, 2022, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008 and 3009; and that part of

Tarrant County tract 113001 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1119, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161 and 1162; and that part of Tarrant County tract 123200 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1071, 1072, 1073, 1074, 1075, 1209, 1210 and 1211; and that part of Tarrant County tract 123300 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159 and 1160; and that part of Tarrant County tract 123400 included in block groups 1 and 3 and blocks 2004, 2007, 2008, 2009, 2010, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2075 and 2076; and that part of Tarrant County tract 123600 included in block group 2.

SECTION 12. District 12 is composed of Rockwall County; and Collin County tracts 030404, 030405, 030406, 030407, 030504, 030505, 030506, 030507, 030508, 030509, 030510, 030511, 030512, 031308, 031309, 031311, 031312, 031313, 031315, 031316, 031317, 031409, 031411, 031505, 031611, 031612, 031613, 031621, 031622, 031623, 031624, 031625, 031626, 031627, 031628, 031629, 031630, 031631, 031632, 031633, 031634, 031635, 031636, 031637, 031638, 031639, 031641, 031642, 031643, 031645, 031646, 031647, 031648, 031649, 031652, 031653, 031654, 031655, 031656, 031657, 031658, 031659, 031660, 031661, 031662, 031663, 031664, 031704, 031706, 031708, 031709, 031711, 031712, 031713, 031714, 031715, 031716, 031717, 031718, 031719, 031720, 031802, 031804, 031805, 031806, 031807, 031900, 032003, 032004, 032008, 032009, 032010, 032011, 032012 and 032013; and that part of Collin County tract

030408 included in block groups 3, 4 and 5 and blocks 1011, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1083, 1084, 1086, 1087, 1088, 1089, 1090, 2020, 2021, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057 and 2058; and that part of Collin County tract 031201 included in blocks 1070, 2055, 2079, 2080, 2081, 2082, 2083, 2084, 2085 and 2086; and that part of Collin County tract 031202 included in block 1060; and that part of Collin County tract 031310 included in block groups 1, 3 and 4 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085 and 2087; and that part of Collin County tract 031314 included in block group 2 and blocks 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1055, 1056, 1057, 1058 and 1059; and that part of Collin County tract 031410 included in block 1006; and that part of Collin County tract 031506 included in block groups 3 and 4 and blocks 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1035, 1036, 1037, 1038, 1039, 1040, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066 and 1071; and that part of Collin County tract 031508 included in blocks 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1050, 1052, 1053, 1054, 1055, 1056, 1057 and 1058; and that part of Collin County tract 031640 included in block group 2 and blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039 and 3042; and Dallas County tracts 000100, 000201, 000202, 000300, 000605, 000606, 000702, 001001, 007101, 007301, 007601, 007604, 007605, 007700, 007801, 007804, 007805, 007809, 007810, 007811, 007812, 007815, 007818, 007819, 007820, 007821, 007822, 007823, 007824, 007825, 007826, 007827, 007902, 007903, 007906, 007909, 007910, 007911, 007912, 007913,

007914, 008000, 008100, 008200, 009603, 009604, 009605, 009607, 009608, 009609, 012400, 012800, 012900, 013004, 013005, 013007, 013008, 013009, 013010, 013011, 013101, 013102, 013104, 013105, 013200, 013300, 013400, 013500, 013605, 013606, 013607, 013608, 013609, 013610, 013611, 013615, 013616, 013617, 013618, 013619, 013620, 013621, 013622, 013623, 013624, 013625, 013626, 013711, 013712, 013713, 013714, 013715, 013716, 013717, 013718, 013719, 013720, 013721, 013722, 013725, 013726, 013727, 013803, 013804, 013805, 013806, 013901, 013902, 014001, 014002, 014119, 014120, 014121, 014123, 014124, 014126, 014127, 014128, 014129, 014130, 014131, 014132, 014134, 014135, 014136, 014137, 014138, 017003, 017004, 017301, 017303, 017304, 017305, 017306, 017400, 017500, 017604, 017702, 017703, 017704, 017804, 017807, 017808, 017811, 017812, 017813, 017814, 018001, 018002, 018104, 018105, 018110, 018111, 018118, 018120, 018121, 018122, 018123, 018124, 018126, 018127, 018128, 018129, 018130, 018132, 018133, 018134, 018135, 018136, 018137, 018138, 018139, 018140, 018141, 018142, 018203, 018204, 018205, 018206, 018300, 018402, 018501, 018503, 018505, 018506, 018600, 018700, 018801, 018802, 018900, 019004, 019013, 019014, 019016, 019018, 019019, 019020, 019021, 019023, 019024, 019025, 019026, 019027, 019028, 019029, 019031, 019032, 019033, 019034, 019035, 019036, 019037, 019038, 019039, 019040, 019041, 019042, 019043, 019100, 019202, 019203, 019204, 019205, 019206, 019208, 019210, 019211, 019212, 019213, 019301, 019302, 019400, 019501, 019502, 019600, 019700, 020000, 020600 and 020700; and that part of Dallas County tract 000601 included in block 1019; and that part of Dallas County tract 000603 included in block groups 1, 2 and 4 and blocks 3001, 3002, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022 and 3023; and that part of Dallas County tract 000900 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1010, 1011, 1012, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025 and 1029; and that part of Dallas County tract 001002 included in blocks 2000 and 2001; and that part of Dallas County tract 001101 included in block groups 2 and 3 and blocks 1005, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019 and 1020; and that part of Dallas County tract 001102 included in block groups 1 and 2 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015 and 3016; and that part of Dallas County tract 001301 included in blocks 2000 and 2001; and that part of Dallas County tract 007302 included in block groups 1, 2 and 3 and blocks 4000, 4001, 4002, 4003, 4004, 4005, 4006 and 4007; and that part of Dallas County tract 009402 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021 and 1022; and that part of Dallas County tract 009500 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1019, 1020, 1021, 1022, 1023, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1038 and 1039; and that part of Dallas County tract 009611 included in blocks 1001, 1010, 2000, 2006, 2007, 2013, 2014, 3000 and 3014; and that part of Dallas County tract 009701 included in blocks 1000, 1024, 1025, 3018, 3024 and 3025; and that part of Dallas County tract 009702 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005,

1006, 1007, 1008, 1009, 1011, 1012, 1013, 1014, 1015 and 1016; and that part of Dallas County tract 009900 included in blocks 2185 and 2188; and that part of Dallas County tract 012209 included in blocks 1000, 1001, 1002, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1017 and 1018; and that part of Dallas County tract 012500 included in blocks 2011, 2012, 2013, 2018, 3028 and 3029; and that part of Dallas County tract 012702 included in blocks 1005, 1006, 1007, 1013, 1014, 1015, 1016, 1019, 2009, 2010, 2016, 2017, 2018 and 2019; and that part of Dallas County tract 017001 included in block groups 1, 2, 3 and 5 and blocks 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028, 4029, 4030, 4034, 4035, 4036, 4037, 4038, 4039, 4040, 4041 and 4042; and that part of Dallas County tract 017101 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1037, 1038, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1054, 1055, 1056, 1061, 1062, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055 and 2056; and that part of Dallas County tract 017102 included in blocks 1002, 1003, 1004, 1005, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013 and 2014; and that part of Dallas County tract 017202 included in block group 1 and blocks 3000, 3010, 3011, 3013, 3014, 3015, 3022, 3023, 3042, 3043, 3045, 4000, 4001, 4009, 4010, 4011, 4012, 4013, 4029, 4030, 4031 and 4033; and that part of Dallas County tract 017602 included in block group 2 and block 1000; and that part of Dallas County tract 017606 included in blocks 3000, 3001, 3002, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3029, 3030, 3033 and 3034; and that part of Dallas County tract 017805 included in block groups 3, 4 and 5 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1029, 2000, 2001, 2002, 2003, 2004, 2024, 2025, 2026, 2034, 2035, 2036, 2037 and 2040; and that part of Dallas County tract 017806 included in block groups 1, 3 and 4 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035 and 2036; and that part of Dallas County tract 017900 included in block groups 1, 3 and 4 and blocks 2000, 2001, 2002, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2018, 2019 and 2020; and that part of Dallas County tract 018401 included in block groups 1 and 3 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2035, 2036, 2037, 2038, 2039 and 2042; and that part of Dallas County tract 018403 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007,

1009, 1011 and 1012; and that part of Dallas County tract 019800 included in block groups 2, 3 and 4 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1032, 1033 and 1034; and that part of Dallas County tract 980000 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1135, 1136, 1137, 1142, 1143, 1146, 1147, 1148, 1149 and 1153.

SECTION 13. District 13 is composed of Dallas County tracts 000401, 000404, 000405, 000406, 000500, 000701, 000800, 001202, 001203, 001204, 001302, 001400, 001502, 001503, 001504, 001600, 001701, 001703, 001704, 001800, 001900, 002000, 002100, 002200, 002400, 002500, 002701, 002702, 003101, 003400, 003700, 003800, 003901, 003902, 004000, 004100, 004201, 004202, 004300, 004400, 004500, 004600, 004700, 004800, 004900, 005000, 005100, 005200, 005300, 005400, 005500, 005600, 005700, 005901, 005902, 006001, 006002, 006100, 006200, 006301, 006302, 006401, 006402, 006501, 006502, 006700, 006800, 006900, 007102, 007201, 007202, 008400, 008500, 008603, 008604, 008701, 008703, 008704, 008705, 008801, 008802, 008900, 009000, 009101, 009103, 009104, 009105, 009201, 009202, 009301, 009303, 009304, 009401, 009610, 009802, 009803, 009804, 010000, 010101, 010102, 010500, 010601, 010602, 010701, 010703, 010704, 010801, 010803, 010804, 010805, 010902, 010903, 010904, 011001, 011002, 011101, 011103, 011104, 011105, 011200, 011300, 011401, 011500, 011601, 011602, 011701, 011702, 011800, 011900, 012000, 012100, 012204, 012206, 012207, 012208, 012210, 012211, 012301, 012302, 012601, 012603, 012604, 012701, 014103, 014113, 014114, 014115, 014116, 014133, 014203, 014204, 014205, 014206, 014302, 014306, 014307, 014308, 014309, 014310, 014311, 014312, 014403, 014405, 014406, 014407, 014408, 014501, 014502, 014601, 014602, 014603, 014701, 014702, 014703, 014901, 014902, 015000, 015100, 015202, 015204, 015205, 015206, 015303, 015304, 015305, 015306, 015401, 015403, 015404, 015500, 015600, 015700, 015800, 015900, 016001, 016002, 016100, 016201, 016202, 016301, 016302, 016401, 016406, 016407, 016408, 016409, 016410, 016411, 016412, 016413, 016502, 016509, 016509, 016510, 016511, 016513, 016514, 016516, 016517, 016518, 016519, 016520, 016521, 016522, 016523, 016605, 016606, 016607, 016610, 016611, 016612, 016615, 016616, 016617, 016618, 016619, 016620, 016621, 016622, 016623, 016624, 016625, 016626, 016701, 016703, 016704, 016705, 016802, 016803, 016804, 016902, 016903, 017201, 017605, 019900, 020100, 020200, 020300, 020400, 020500 and 980100; and that part of Dallas County tract 000601 included in block groups 2, 3, 4 and 5 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017 and 1018; and that part of Dallas County tract 000603 included in blocks 3000 and 3003; and that part of Dallas County tract 000900 included in block groups 2, 3 and 4 and blocks 1007, 1008, 1009, 1013, 1014, 1015, 1016, 1017, 1026, 1027 and 1028; and that part of Dallas County tract 001002 included in block group 1

and blocks 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022 and 2023; and that part of Dallas County tract 001101 included in blocks 1000, 1001, 1002, 1003, 1004, 1006, 1007, 1008 and 1009; and that part of Dallas County tract 001102 included in block 3017; and that part of Dallas County tract 001301 included in block groups 1 and 3 and blocks 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019 and 2020; and that part of Dallas County tract 007302 included in blocks 4008 and 4009; and that part of Dallas County tract 009402 included in blocks 1023 and 1024; and that part of Dallas County tract 009500 included in blocks 1014, 1015, 1016, 1017, 1018, 1024, 1025, 1026, 1027, 1028 and 1037; and that part of Dallas County tract 009611 included in blocks 1000, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1011, 1012, 1013, 1014, 1015, 1016, 2001, 2002, 2003, 2004, 2005, 2008, 2009, 2010, 2011, 2012, 2015, 2016, 2017, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013 and 3015; and that part of Dallas County tract 009701 included in block group 2 and blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3019, 3020, 3021, 3022, 3023, 3026, 3027 and 3028; and that part of Dallas County tract 009702 included in blocks 1010, 1017, 1018, 1019 and 1020; and that part of Dallas County tract 009900 included in block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2186, 2187, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302 and 2303; and that part of Dallas County tract 012209 included in block group 2

and blocks 1003, 1014, 1015 and 1016; and that part of Dallas County tract 012500 included in block groups 1, 4 and 5 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2014, 2015, 2016, 2017, 2019, 2020, 2021, 2022, 2023, 2024, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026 and 3027; and that part of Dallas County tract 012702 included in block group 3 and blocks 1000, 1001, 1002, 1003, 1004, 1008, 1009, 1010, 1011, 1012, 1017, 1018, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2011, 2012, 2013, 2014 and 2015; and that part of Dallas County tract 017001 included in blocks 4031, 4032 and 4033; and that part of Dallas County tract 017101 included in blocks 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1039, 1050, 1051, 1052, 1053, 1057, 1058, 1059, 1060, 2040 and 2041; and that part of Dallas County tract 017102 included in blocks 1000, 1001, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 2000, 2001, 2002, 2003, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081 and 2082; and that part of Dallas County tract 017202 included in block group 2 and blocks 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3012, 3016, 3017, 3018, 3019, 3020, 3021, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3044, 3046, 3047, 3048, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028 and 4032; and that part of Dallas County tract 017602 included in blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048 and 1049; and that part of Dallas County tract 017606 included in block groups 1 and 2 and blocks 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3025, 3026, 3027, 3028, 3031 and 3032; and that part of Dallas County tract 017805 included in blocks 1027, 1028, 1030, 1031, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2038 and 2039; and that part of Dallas County tract 017806 included in blocks 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025 and 2026; and that part of Dallas County tract 017900 included in blocks 2003, 2004 and 2017; and that part of Dallas County tract 018401 included in blocks 2032, 2033, 2034, 2040 and 2041; and that part of Dallas County tract 018403 included in blocks 1008, 1010 and 1013; and that part of Dallas County tract 019800 included in block 1031; and that part of Dallas County tract 980000 included in blocks 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114,

1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1138, 1139, 1140, 1141, 1144, 1145, 1150, 1151 and 1152; and Tarrant County tracts 101201, 101301, 101302, 101401, 101402, 101403, 101500, 101700, 103500, 103601, 103602, 103701, 103702, 103800, 104504, 104505, 104601, 104602, 104603, 104604, 104605, 105510, 105511, 105704, 105902, 106001, 106002, 106101, 106102, 106201, 106202, 106300, 106502, 106503, 106507, 106511, 106512, 106513, 106514, 106515, 106516, 111005, 111011, 111012, 111102, 111103, 111104, 111202, 111505, 111521, 111522, 111523, 111536, 111537, 113002, 121601, 121604, 121605, 121606, 121608, 121609, 121610, 121611, 121702, 121703, 121704, 121903, 121904, 121905, 121906, 122001, 122002, 122100, 122200, 122300, 122400, 122500, 122600, 122700, 122801, 122802, 122900, 123100 and 123500; and that part of Tarrant County tract 100900 included in block 2070; and that part of Tarrant County tract 101202 included in block groups 1 and 3 and blocks 2058, 2067, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089 and 2090; and that part of Tarrant County tract 104502 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1018, 1019 and 1027; and that part of Tarrant County tract 104702 included in blocks 1000, 1001, 1002, 1003, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055 and 1057; and that part of Tarrant County tract 105503 included in blocks 5006, 6006, 6007, 6008, 6009, 6010, 6011, 6012, 6013, 6014, 6015, 6039, 6040 and 6041; and that part of Tarrant County tract 105512 included in block groups 1 and 4; and that part of Tarrant County tract 105901 included in block group 3; and that part of Tarrant County tract 106004 included in block groups 1, 3 and 4 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041 and 2042; and that part of Tarrant County tract 106400 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1024, 1025, 1026, 1027 and 1028; and that part of Tarrant County tract 106509 included in blocks 3028, 3030, 3031, 3032, 3033, 3034, 3035 and 3036; and that part of Tarrant County tract 110301 included in blocks 3026, 3027, 3028, 3037, 3038 and 3039; and that part of Tarrant County tract 111003 included in blocks 1025, 1026, 1027, 1028, 1029, 1033, 1044, 1045, 1049, 1050, 1051 and 1052; and that part of Tarrant County tract 111008 included in blocks 1014, 1015, 1016, 1018, 1019, 1020, 1021, 1022 and 1023; and that part of Tarrant County tract 111013 included in blocks 1000, 1001, 1002, 1003, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1038, 1039, 1040, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3039 and 3040; and that part of Tarrant County tract 111015 included in block 2000; and that part of Tarrant County tract 111016 included in blocks 2000, 2001 and 2002; and that part of Tarrant County tract 111017 included in block groups 2, 3 and 4 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1017, 1018, 1021, 1022,

1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046 and 1047; and that part of Tarrant County tract 111018 included in blocks 1000, 1001, 1002, 1003, 1005, 1011 and 1012; and that part of Tarrant County tract 111506 included in block groups 2 and 4 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1027, 1028, 1029, 3000, 3001, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029 and 3030; and that part of Tarrant County tract 111524 included in block groups 1, 2, 3 and 4; and that part of Tarrant County tract 111526 included in blocks 1002, 2000, 2017, 2018 and 3000; and that part of Tarrant County tract 113001 included in blocks 1117, 1118 and 1120; and that part of Tarrant County tract 123200 included in block group 2 and blocks 1006, 1007, 1008, 1009, 1010, 1011, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1271, 1272 and 1273; and that part of Tarrant County tract 123300 included in block group 2 and blocks 1036, 1037, 1038, 1039 and 1109; and that part of Tarrant County tract 123400 included in blocks 2000, 2001, 2002, 2003, 2005, 2006, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2071, 2072, 2073 and 2074; and that part of Tarrant County tract 123600 included in block group 1.

SECTION 14. District 14 is composed of Bosque, Brown, Burnet, Comanche, Coryell, Denton, Eastland, Ellis, Erath, Falls, Hamilton, Hill, Jack, Kaufman, Lampasas, Llano, McLennan, Mills, Navarro, Palo Pinto, San Saba, Somervell and Wise Counties.

SECTION 15. District 15 is composed of Andrews, Archer, Armstrong, Bailey, Baylor, Borden, Briscoe, Callahan, Carson, Castro, Childress, Clay, Cochran, Coke, Coleman, Collingsworth, Concho, Cottle, Crosby, Dallam, Dawson, Deaf Smith, Dickens, Donley, Ector, Fisher, Floyd, Foard, Gaines, Garza, Glasscock, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Haskell, Hemphill, Hockley, Howard,

Hutchinson, Jones, Kent, King, Knox, Lamb, Lipscomb, Lubbock, Lynn, McCulloch, Martin, Mitchell, Montague, Moore, Motley, Nolan, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Runnels, Scurry, Shackelford, Sherman, Stephens, Sterling, Stonewall, Swisher, Taylor, Terry, Throckmorton, Tom Green, Wheeler, Wichita, Wilbarger, Yoakum and Young Counties.

The amendment to **CSHB 600** was read.

On motion of Senator Seliger, Floor Amendment No. 1 was tabled by the following vote: Yeas 29, Nays 2.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Patrick.

Senator Seliger moved to postpone further consideration of the bill to a time certain of 12:30 p.m. today.

The motion prevailed.

Question — Shall **CSHB 600** be passed to third reading?

**COMMITTEE SUBSTITUTE
SENATE BILL 1681 ON SECOND READING**

On motion of Senator Ellis and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1681** at this time on its second reading:

CSSB 1681, Relating to the appointment of counsel and the rights of an accused and other requirements for the purposes of appellate proceedings or community supervision revocation proceedings.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1681 ON THIRD READING**

Senator Ellis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1681** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1681**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1681** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 35 ON SECOND READING**

Senator Zaffirini moved to suspend the regular order of business to take up for consideration **CSSB 35** at this time on its second reading:

CSSB 35, Relating to transition and employment services for public school students enrolled in special education programs.

The motion prevailed.

Senator Birdwell asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Birdwell, Hegar.

**COMMITTEE SUBSTITUTE
SENATE BILL 35 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 35** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 35**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 35** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Hegar.

SENATE BILL 710 ON SECOND READING

On motion of Senator Van de Putte and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 710** at this time on its second reading:

SB 710, Relating to the disclosure of a hazardous drain in a swimming pool or spa by a seller of residential real property.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Hegar.

SENATE BILL 710 ON THIRD READING

Senator Van de Putte moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 710** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 710**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 710** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1.

Nays: Hegar.

COMMITTEE SUBSTITUTE SENATE BILL 1200 ON SECOND READING

On motion of Senator Patrick and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1200** at this time on its second reading:

CSSB 1200, Relating to the venue for prosecution of misdemeanor cases in justice of the peace courts located in certain counties.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 1200 ON THIRD READING

Senator Patrick moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1200** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1200**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1200** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1107 ON SECOND READING**

Senator Davis moved to suspend the regular order of business to take up for consideration **CSSB 1107** at this time on its second reading:

CSSB 1107, Relating to the vaccination against bacterial meningitis of entering students at public and private or independent institutions of higher education.

The motion prevailed.

Senators Birdwell and Patrick asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Davis offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1107** (Senate Committee Printing) by adding the following SECTION to the bill and renumbering subsequent SECTIONS of the bill appropriately:

SECTION 1. This Act shall be known as the Jamie Schanbaum and Nicolis Williams Act.

The amendment to **CSSB 1107** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Davis and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1107 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Birdwell, Patrick.

**COMMITTEE SUBSTITUTE
SENATE BILL 1107 ON THIRD READING**

Senator Davis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1107** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 3.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Patrick, Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1107**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1107** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Patrick.

**COMMITTEE SUBSTITUTE
SENATE BILL 1534 ON SECOND READING**

Senator Shapiro moved to suspend the regular order of business to take up for consideration **CSSB 1534** at this time on its second reading:

CSSB 1534, Relating to the operation and certification of career schools or colleges.

The motion prevailed.

Senators Lucio and Van de Putte asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Lucio, Van de Putte.

**COMMITTEE SUBSTITUTE
SENATE BILL 1534 ON THIRD READING**

Senator Shapiro moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1534** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 3.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Lucio, Van de Putte, Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1534**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1534** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Lucio, Van de Putte.

REASON FOR VOTE

Senator Lucio submitted the following reason for vote on **CSSB 1534**:

I ask that I be shown voting no on CSSB 1534 because this bill removes the ability of the Texas Workforce Commission (TWC) to protect students who pursue a higher education degree from an on-line institution that is not physically located in Texas. With the passage of this bill, Texas will not collect information about these schools' performances; TWC will not have the authority to investigate complaints, nor will the agency have the authority to require refunds to Texas resident students if a school closes.

LUCIO

REASON FOR VOTE

Senator Van de Putte submitted the following reason for vote on **CSSB 1534**:

I ask that I be shown voting no on CSSB 1534 because of my concerns regarding consumer protection of students in Texas pursuing a higher education degree from an on-line institution that is not physically located in Texas. Many veterans in Texas utilize on-line institutions, and I am uncomfortable with ridding them of any protections they have under current law to recoup funds on behalf of Texas residents should an on-line school close. I have been assured by the bill's author that this oversight will be corrected as the measure progresses through deliberation in the House of Representatives. However, until then, I regretfully cast a nay vote on CSSB 1534.

VAN DE PUTTE

COMMITTEE SUBSTITUTE SENATE BILL 1450 ON SECOND READING

Senator Zaffirini moved to suspend the regular order of business to take up for consideration **CSSB 1450** at this time on its second reading:

CSSB 1450, Relating to the regulation of crafted precious metal dealers and dealerships; providing a criminal penalty.

The motion prevailed.

Senator Birdwell asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Zaffirini offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1450** (senate committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Subchapter B, Chapter 1956, Occupations Code, is amended by adding Section 1956.0605 to read as follows:

Sec. 1956.0605. EXCEPTION: CRAFTED PRECIOUS METAL ACQUIRED BY CERTAIN CRAFTED PRECIOUS METAL DEALERS. This subchapter does not apply to:

(1) a person that is required to hold a dealership license under Subchapter B-1; or

(2) crafted precious metal acquired by a person described by Subdivision (1).

SECTION 2. Chapter 1956, Occupations Code, is amended by adding Subchapter B-1 to read as follows:

SUBCHAPTER B-1. SALE OF CRAFTED PRECIOUS METAL TO DEALERS AND DEALERSHIPS IN CERTAIN MUNICIPALITIES

Sec. 1956.071. DEFINITIONS. In this subchapter:

(1) "Commission" means the Texas Commission of Licensing and Regulation.

(2) "Crafted precious metal" means jewelry, silverware, an art object, a bar, a coin, a commemorative medallion, or another object, including scrap or a broken item, made in whole or in part from precious metal.

(3) "Dealer" means a person who engages in the business of purchasing and selling crafted precious metal.

(4) "Dealership" means a location at which or premises in which a dealer conducts business.

(5) "Department" means the Texas Department of Licensing and Regulation.

(6) "Precious metal" means gold, silver, platinum, palladium, iridium, rhodium, osmium, ruthenium, or an alloy of those metals.

Sec. 1956.072. APPLICABILITY OF SUBCHAPTER. This subchapter applies only to:

(1) a person that engages in business in a municipality:

(A) with a population of 200,000 or more; and

(B) located in a county:

(i) with a population of 300,000 or less; and

(ii) that is located adjacent to an international border; and

(2) crafted precious metal that is:

(A) sold or used primarily for personal, family, or household purposes;

and

(B) acquired by a person described by Subdivision (1) for sale.

Sec. 1956.073. EXCEPTION: PRECIOUS METAL EXTRACTED, RECOVERED, OR SALVAGED FROM INDUSTRIAL BY-PRODUCTS OR INDUSTRIAL WASTE PRODUCTS. This subchapter does not apply to a person

whose purchase or sale of precious metal or a product made of precious metal is merely incidental to the person's business of extracting, recovering, or salvaging precious metal from industrial by-products or industrial waste products.

Sec. 1956.074. EXCEPTION: DENTAL, PHARMACEUTICAL, OR MEDICAL APPLICATION OF CRAFTED PRECIOUS METAL. This subchapter does not apply to a dental, pharmaceutical, or medical application of crafted precious metal.

Sec. 1956.075. EXCEPTION: CRAFTED PRECIOUS METAL ACQUIRED FROM ANOTHER DEALER WHO PREVIOUSLY MADE REQUIRED REPORTS. This subchapter does not apply to crafted precious metal acquired in good faith in a transaction involving the stock-in-trade of another dealer who previously made the reports concerning that metal as required by this subchapter if:

(1) the selling dealer delivers to the acquiring dealer a written document stating that the reports have been made;

(2) the acquiring dealer submits a copy of the statement to the chief of police of the municipality or the sheriff of the county in which the selling dealer is located; and

(3) each dealer involved in the transaction retains a copy of the statement until the third anniversary of the date of the transaction.

Sec. 1956.076. EXCEPTION: CRAFTED PRECIOUS METAL ACQUIRED IN DISSOLUTION OR LIQUIDATION SALE. This subchapter does not apply to crafted precious metal acquired in a nonjudicial sale, transfer, assignment, assignment for the benefit of creditors, or consignment of the assets or stock-in-trade, in bulk, or a substantial part of those assets, of an industrial or commercial enterprise, other than a dealer, for the voluntary dissolution or liquidation of the seller's business, or for disposing of an excessive quantity of personal property, or property that has been acquired in a nonjudicial sale or transfer from an owner other than a dealer, the seller's entire household of personal property, or a substantial part of that property, if the dealer:

(1) gives written notice to the chief of police of the municipality or the sheriff of the county in which the dealer's business is located that a reporting exemption is being claimed under this section;

(2) retains in the dealer's place of business, until the third anniversary of the date of the transaction, a copy of the bill of sale, receipt, inventory list, or other transfer document; and

(3) makes the record retained available for inspection by a peace officer.

Sec. 1956.077. EXCEPTION: CRAFTED PRECIOUS METAL ACQUIRED IN JUDICIAL SALE. This subchapter does not apply to crafted precious metal acquired in a sale made:

(1) by any public officer in the officer's official capacity as a trustee in bankruptcy, executor, administrator, receiver, or public official acting under judicial process or authority; or

(2) on the execution of, or by virtue of, any process issued by a court.

Sec. 1956.078. EXCEPTION: CRAFTED PRECIOUS METAL ACQUIRED AS PAYMENT FOR OTHER CRAFTED PRECIOUS METAL BY PERSON IN BUSINESS OF SELLING TO CONSUMERS. This subchapter does not apply to

crafted precious metal acquired in good faith as partial or complete payment for other crafted precious metal by a person whose principal business is primarily that of selling directly to the consumer crafted precious metal that has not been subject to a prior sale.

Sec. 1956.079. EXCEPTION: CRAFTED PRECIOUS METAL ACQUIRED FROM OR REPORTED TO GOVERNMENTAL AGENCY. This subchapter does not apply to crafted precious metal:

(1) acquired as surplus property from the United States, a state, a subdivision of a state, or a municipal corporation; or

(2) reported by a dealer as an acquisition or a purchase, or reported as destroyed or otherwise disposed of, to:

(A) a state agency under another law of this state; or

(B) a municipal or county office or agency under another law of this state or a municipal ordinance.

Sec. 1956.080. EXCEPTION: CRAFTED PRECIOUS METAL ACQUIRED BY PERSON LICENSED UNDER TEXAS PAWNSHOP ACT. This subchapter does not apply to crafted precious metal acquired by a person licensed under Chapter 371, Finance Code.

Sec. 1956.081. EFFECT ON OTHER LAWS AND ORDINANCES. This subchapter does not:

(1) excuse noncompliance with another state law or municipal ordinance covering the reporting, holding, or releasing of crafted precious metal;

(2) prohibit a municipality from enacting, amending, or enforcing an ordinance relating to a dealer; or

(3) supersede a municipal ordinance except to the extent the ordinance does not require reporting for transactions involving crafted precious metal.

Sec. 1956.082. RULEMAKING. The commission may adopt rules necessary to implement and enforce this subchapter.

Sec. 1956.083. DEALERSHIP LICENSE REQUIRED. A person may not engage in business as a crafted precious metal dealer unless the person holds a dealership license.

Sec. 1956.084. MULTIPLE PLACES OF BUSINESS. (a) A separate dealership license is required for each place of business operated under this subchapter.

(b) The department may issue more than one dealership license to a person if the person complies with this subchapter for each license.

Sec. 1956.085. APPLICATION REQUIREMENTS. (a) An application for a dealership license must be made to the department and must:

(1) be under oath;

(2) state:

(A) the full name and address of the applicant;

(B) the type of business entity formed by the applicant, if the applicant is not an individual;

(C) the full name and address of each general partner and the type of partnership, if the applicant is a partnership;

(D) the full name and address of each officer and owner, if the applicant is an unincorporated association;

(E) except as provided by Subsection (b), the full name of each officer and shareholder, if the applicant is a corporation;

(F) the full name and address of each manager and operator of the dealership;

(G) the location where the dealership's business is to be conducted and a copy of the certificate of occupancy for the location;

(H) the intended hours of operation of the dealership; and

(I) other relevant information required by the department; and

(3) state that the applicant and, if applicable, any business partner or officer of the corporation has not had a license revoked under this subchapter or Chapter 371, Finance Code.

(b) The full name of each shareholder is not required if the applicant is a corporation with five or more shareholders.

Sec. 1956.086. FEES. (a) Except as provided by Subsection (b), an applicant must submit with the application:

(1) an application fee of:

(A) \$500, if the applicant does not hold a license under this subchapter;

or

(B) \$200, if the application is for an additional dealership license for a separate location; and

(2) an annual license fee in an amount determined by the commission by rule.

(b) An applicant that is exempt from taxation under Section 501(c)(3), Internal Revenue Code of 1986, is exempt from the fees required under Subsection (a).

Sec. 1956.087. LICENSE TERM; RENEWAL. A license expires on the first anniversary of the date of issuance and may be renewed annually on payment of the required annual license fee.

Sec. 1956.088. INVESTIGATION; NOTICE OF APPLICATION. (a) On receipt of an application and the required fees, the department shall:

(1) conduct an investigation to determine whether to issue the license; and

(2) give notice of the application to:

(A) the Department of Public Safety; and

(B) each local law enforcement agency in the county in which the dealership is to conduct business.

(b) The notice under Subsection (a) must state the name and address of each person required by Section 1956.085 to be listed on the license application.

(c) The department shall give the Department of Public Safety and local law enforcement agencies a reasonable period to respond to the notice with information concerning the listed persons or any other relevant information.

Sec. 1956.089. NOTICE OF DENIAL; HEARING. (a) If the department determines not to issue a license, the department shall deliver to the applicant at the address provided in the application a written notice by personal delivery or certified mail, return receipt requested. The notice must include the department's reason for denying the license.

(b) Not later than the 30th day after the date of receipt of a notice under Subsection (a), an applicant may request a hearing on the application denial. The department shall set the hearing not later than the 60th day after the date of the request. A hearing under this section is subject to Section 51.354.

(c) If the department denies the application, the department shall retain the application fee and shall return to the applicant the annual license fee submitted with the application.

Sec. 1956.090. CONTENTS AND DISPLAY OF LICENSE. (a) A license must state:

- (1) the name of the dealer;
- (2) the address at which the dealership conducts business; and
- (3) that the dealership is authorized to deal in crafted precious metals.

(b) A dealer shall display a license in a conspicuous location at the place of business provided on the license.

Sec. 1956.091. APPLICATION FOR RELOCATION. A dealer who wishes to move a dealership from the location authorized by a license must file a relocation application with the department not later than the 30th day before the date the dealer moves and pay an application fee of \$20.

Sec. 1956.092. CRIMINAL BACKGROUND CHECK REQUIRED. (a) A dealer shall conduct a criminal background check on an applicant for employment with the dealer.

(b) A dealer may not employ a person who has been convicted of an offense under Section 31.03, Penal Code.

Sec. 1956.093. REPORT OF PURCHASE OR EXCHANGE REQUIRED. (a) A dealer shall, as required by Section 1956.094, report all identifiable crafted precious metal that the dealer purchases, takes in trade, accepts for sale on consignment, or accepts for auction.

(b) Before crafted precious metal is offered for sale or exchange, a dealer must notify each person intending to sell or exchange the metal that, before the dealer may accept any of the person's property, the person must file with the dealer a list describing all of the person's crafted precious metal to be accepted by the dealer. The list must contain:

- (1) the proposed seller's or transferor's name and address;
- (2) the date and time of the purchase or exchange;
- (3) a complete and accurate description of the crafted precious metal,

including:

- (A) a serial number, if available; and
- (B) the size, weight, material, length, number of items, capacity, or other identifying characteristics; and

(4) the proposed seller's or transferor's certification that the information is true and complete.

(c) The dealer shall record the proposed seller's or transferor's driver's license number or Department of Public Safety personal identification certificate number on physical presentation of the license or personal identification certificate by the seller or transferor. The record must accompany the list.

(d) All lists and records required by this section must be legible.

(e) The dealer shall:

(1) provide to a peace officer or the department, on demand, the list required by Subsection (b); and

(2) mail or deliver a complete copy of the list to the chief of police or the sheriff as provided by Section 1956.094 not later than 48 hours after the list is filed with the dealer.

Sec. 1956.094. FORM OF REPORT; FILING. (a) A report required by this subchapter must comply with this section unless a similar report is required by another state law or a municipal ordinance, in which event the required report must comply with the applicable law or ordinance.

(b) If a transaction regulated by this subchapter occurs in a municipality that maintains a police department, the original and a copy of the report required by this subchapter shall be submitted to the municipality's chief of police. If the transaction does not occur in such a municipality, the original and a copy of the report shall be submitted to the sheriff of the county in which the transaction occurs.

(c) The dealer shall submit the report on a form prescribed by the district attorney or person performing the duties of district attorney of the county in which the transaction occurs.

(d) The dealer shall retain a copy of the report until the third anniversary of the date the report is filed.

Sec. 1956.095. RECEIPT REQUIRED. (a) A dealer, at the time of the sale or exchange of crafted precious metal, shall deliver a receipt to the seller or transferor. Each receipt delivered by the dealer must:

(1) be numbered sequentially;

(2) contain the date of the transaction or acquisition; and

(3) itemize the crafted precious metal purchased or exchanged.

(b) An accurate copy or record of the receipt shall be:

(1) maintained until the third anniversary of the date of the sale or exchange; and

(2) available on request for inspection during business hours by a peace officer or the department.

Sec. 1956.096. REQUIRED RETENTION OF CRAFTED PRECIOUS METAL. (a) A dealer may not melt, deface, alter, or dispose of crafted precious metal that is the subject of a report required by this subchapter before the 22nd day after the date the report is filed unless:

(1) the peace officer to whom the report is submitted, for good cause, authorizes disposition of the metal; or

(2) the dealer is a pawnbroker and the disposition is the redemption of pledged property by the pledgor.

(b) During the hold period required by Subsection (a), the crafted precious metal shall be stored or displayed:

(1) in the exact form received;

(2) in a manner as to be identifiable from the description provided under Section 1956.093; and

(3) in a manner as to not impede or prevent the crafted precious metal's examination by a peace officer or the department.

Sec. 1956.0965. STOLEN CRAFTED PRECIOUS METAL. (a) A dealer or an agent or employee of a dealership shall:

(1) monitor the purchase of crafted precious metal to identify or prevent transactions involving stolen crafted precious metal;

(2) make reasonable efforts to avoid accepting or purchasing stolen crafted precious metal; and

(3) immediately report to a local law enforcement agency:

(A) an offer to sell to the dealership crafted precious metal actually known or reasonably suspected to be stolen;

(B) the identity, if known, and the description of the person offering to sell the metal described by Paragraph (A); and

(C) the purchase of crafted precious metal subsequently determined or reasonably suspected to be stolen.

(b) A dealer shall cooperate with a local law enforcement agency regarding any matter relating to stolen crafted precious metal and assist in the prompt resolution of an official investigation.

Sec. 1956.0966. INSPECTION OF CRAFTED PRECIOUS METAL. (a) A dealer shall make crafted precious metal purchased by the dealer available for inspection by a peace officer or the department during regular business hours while in the dealer's possession.

(b) Information obtained under this section is confidential except for use in a criminal investigation or prosecution or a civil court proceeding.

Sec. 1956.0967. PURCHASE FROM MINOR. (a) A dealer may not purchase crafted precious metal from a person younger than 18 years of age unless the seller delivers to the dealer before the purchase a written statement from the seller's parent or legal guardian consenting to the transaction.

(b) The dealer shall retain the statement with the records required to be kept under this subchapter. The dealer may destroy the statement after the later of:

(1) the date the item is sold; or

(2) the first anniversary of the date the dealer purchased the item.

Sec. 1956.097. PURCHASE AT TEMPORARY LOCATION OF DEALER. (a) A dealer who conducts business at a temporary location for a period of less than 90 days may not engage in the business of buying precious metal or used items made of precious metal unless, within a 12-month period at least 30 days before the date on which each purchase is made, the person has filed:

(1) a registration statement with the department; and

(2) a copy of the registration statement with the local law enforcement agency of:

(A) the municipality in which the temporary location is located; or

(B) if the temporary location is not located in a municipality, the county in which the temporary location is located.

(b) The registration statement must contain:

(1) the name and address of the dealer;

(2) the location where business is to be conducted;

(3) if the dealer is an association, the name and address of each member of the association;

(4) if the dealer is a corporation, the name and address of each officer and director of the corporation; and

(5) other relevant information required by the department.

Sec. 1956.098. PURCHASE OF MELTED ITEMS. A dealer, in the course of business, may not purchase from a person other than a manufacturer of or a regular dealer in crafted precious metal an object formed as the result of the melting of crafted precious metal.

Sec. 1956.0985. GROUNDS FOR DENIAL, REVOCATION, OR SUSPENSION OF LICENSE. The department may deny, revoke, or suspend a dealership license if the dealer:

(1) violates this subchapter or a rule adopted or an order issued under this subchapter;

(2) falsifies information on a license application; or

(3) is convicted of an offense under Section 31.03, 37.09, or 37.10, Penal Code.

Sec. 1956.0986. NOTICE OF HEARING. (a) The department shall send written notice to the dealer of a dealership license revocation or suspension hearing that includes the cause or allegations of the revocation or suspension hearing.

(b) A hearing under this section is subject to Subchapter G, Chapter 51.

Sec. 1956.099. CRIMINAL PENALTY. (a) A person commits an offense if the person violates this subchapter.

(b) An offense under this section is a Class B misdemeanor.

SECTION 3. Section 215.031, Local Government Code, is amended to read as follows:

Sec. 215.031. HAWKERS; PEDDLERS; PAWNBROKERS; CRAFTED PRECIOUS METAL DEALERS. The governing body of the municipality may license, tax, suppress, prevent, or otherwise regulate:

(1) hawkers;

(2) peddlers; ~~and~~

(3) pawnbrokers; and

(4) crafted precious metal dealers licensed under Subchapter B-1, Chapter 1956, Occupations Code.

SECTION 4. (a) As soon as practicable after the effective date of this Act, the Texas Commission of Licensing and Regulation shall adopt the rules and procedures necessary to implement Subchapter B-1, Chapter 1956, Occupations Code, as added by this Act.

(b) A crafted precious metal dealer is not required to hold a license under Subchapter B-1, Chapter 1956, Occupations Code, as added by this Act, before March 1, 2012.

(c) Section 1956.096(a), Occupations Code, as added by this Act, applies only to crafted precious metal that is the subject of a report filed on or after the effective date of this Act. Crafted precious metal that is the subject of a report filed before the effective date of this Act is governed by the law in effect when the report was filed, and the former law is continued in effect for that purpose.

(d) Section 1956.099, Occupations Code, as added by this Act, applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this subsection, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 5. This Act takes effect September 1, 2011.

The amendment to **CSSB 1450** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Zaffirini and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1450 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Birdwell.

COMMITTEE SUBSTITUTE SENATE BILL 1450 ON THIRD READING

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1450** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1450**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1450** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1.

Nays: Birdwell.

HOUSE BILL 861 ON SECOND READING

On motion of Senator Davis and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 861** at this time on its second reading:

HB 861, Relating to membership of the state continuing advisory committee for special education services.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 861 ON THIRD READING

Senator Davis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 861** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **HB 861**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **HB 861** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1472 ON SECOND READING**

Senator Shapiro moved to suspend the regular order of business to take up for consideration **CSSB 1472** at this time on its second reading:

CSSB 1472, Relating to the coordinated dissemination of online information regarding the operation and performance of certain for-profit educational entities.

The motion prevailed.

Senator Birdwell asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Birdwell.

**COMMITTEE SUBSTITUTE
SENATE BILL 1472 ON THIRD READING**

Senator Shapiro moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1472** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1472**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1472** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1.

Nays: Birdwell.

**COMMITTEE SUBSTITUTE
SENATE BILL 1667 ON SECOND READING**

On motion of Senator Duncan and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1667** at this time on its second reading:

CSSB 1667, Relating to the administration of and benefits payable by the Teacher Retirement System of Texas and to certain domestic relations orders.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1667 ON THIRD READING**

Senator Duncan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1667** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1667**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1667** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1414 ON SECOND READING**

On motion of Senator Duncan and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1414** at this time on its second reading:

CSSB 1414, Relating to sexual abuse and child molestation training and examination for employees of certain programs for minors held on campuses of institutions of higher education; providing penalties.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1414 ON THIRD READING**

Senator Duncan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1414** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1414**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1414** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

AT EASE

The Presiding Officer, Senator Eltife in Chair, at 12:30 p.m. announced the Senate would stand At Ease subject to the call of the Chair.

~~[be furnished]~~ to the board of trustees of the Employees Retirement System of Texas proof of the death in the form and with additional evidence and information required by the board.

SECTION _____. Subchapter C, Chapter 615, Government Code, is amended by adding Section 615.046 to read as follows:

Sec. 615.046. LIMITED ELIGIBILITY OF CERTAIN SURVIVORS TO FILE CLAIM. (a) Notwithstanding any other law, an eligible survivor of an individual described by Section 615.071 whose claim was denied or who otherwise did not receive payment on a claim under Section 615.022 because the individual's employing entity did not timely furnish proof of the individual's death to the board of trustees of the Employees Retirement System of Texas, may furnish the proof of death and file a claim not later than September 30, 2011. An eligible survivor who files a claim under this section is entitled to receive the payment under Section 615.022 that would have been received had proof of death been timely furnished.

(b) This section expires October 1, 2011.

The amendment was read.

Senator Lucio moved to concur in the House amendment to **SB 423**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 1956 ON SECOND READING

On motion of Senator Carona and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1956** at this time on its second reading:

HB 1956, Relating to appeal of an order of the Texas Alcoholic Beverage Commission or the commission's administrator refusing, canceling, or suspending a license or permit.

The bill was read second time.

Senator Carona offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 1956** (senate committee printing) as follows:

(1) In Section 1 of the bill, in amended Section 11.67(b)(2), Alcoholic Beverage Code (page 1, line 21), strike "60" and substitute "20".

(2) In Section 2 of the bill, in amended Section 32.18(2), Alcoholic Beverage Code (page 1, line 42), strike "60" and substitute "20".

The amendment to **HB 1956** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Carona and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

HB 1956 as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 1956 ON THIRD READING

Senator Carona moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1956** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **HB 1956**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **HB 1956** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1798 ON SECOND READING**

Senator West moved to suspend the regular order of business to take up for consideration **CSSB 1798** at this time on its second reading:

CSSB 1798, Relating to retailers engaged in business in this state for purposes of sales and use taxes.

The motion prevailed.

Senators Birdwell and Harris asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Williams offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1798** (Senate committee printing) in SECTION 2 of the bill, in amended Section 151.107(a)(3), Tax Code (page 1, line 58), by striking "or receives compensation".

The amendment to **CSSB 1798** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator West and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1798 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Birdwell, Harris.

COMMITTEE SUBSTITUTE SENATE BILL 1798 ON THIRD READING

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1798** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 3.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Harris, Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1798**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1798** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Harris.

**COMMITTEE SUBSTITUTE
HOUSE BILL 600 ON SECOND READING**

The Presiding Officer laid before the Senate **CSHB 600** sponsored by Senator Seliger on its second reading. The bill had been read second time, an amendment tabled, and further consideration postponed to a time certain of 12:30 p.m. today:

CSHB 600, Relating to the composition of the districts for the election of members of the State Board of Education.

Question — Shall **CSHB 600** be passed to third reading?

Senator Gallegos offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSHB 600** by striking Article II of the bill and substituting the following:

ARTICLE II

SECTION 1. District 1 is composed of Atascosa, Bandera, Brewster, Concho, Crane, Crockett, Culberson, Dimmit, Ector, Edwards, El Paso, Frio, Glasscock, Hudspeth, Irion, Jeff Davis, Kimble, Kinney, La Salle, Loving, McCulloch, Maverick, Medina, Menard, Pecos, Presidio, Reagan, Real, Reeves, Schleicher, Sutton, Terrell, Upton, Uvalde, Val Verde, Ward, Webb, Winkler, Zapata and Zavala Counties.

SECTION 2. District 2 is composed of Aransas, Calhoun, Cameron, De Witt, Goliad, Jackson, Kenedy, Kleberg, Matagorda, Nueces, Refugio, San Patricio, Victoria, Wharton and Willacy Counties; and Hidalgo County tracts 020101, 020204, 020205, 020301, 020302, 020403, 020404, 020501, 020503, 020504, 020600, 020701, 020721, 020723, 020724, 020725, 020726, 020802, 020901, 020903, 020904, 021000, 021100, 021201, 021202, 021302, 021303, 021304, 021305, 021401, 021403, 021404, 021500, 021600, 021701, 021702, 021803, 021804, 021805, 021806, 021901, 021903, 021904, 022001, 022003, 022004, 022103, 022104, 022105, 022106, 022201, 022203, 022204, 022300, 022401, 022402, 022501, 022502, 022600, 022701, 022702, 022800, 022900, 023000, 023102, 023103, 023104, 023514, 023515, 023700, 023802, 024302, 024402, 024403, 024404, 024500, 024600 and 980000; and that part of Hidalgo County tract 020102 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3024, 3026, 3027, 3028, 3029, 3030, 3051, 3052, 3053, 3054, 3127, 3137 and 3138; and that part of Hidalgo County tract 020202 included in blocks 1033, 1034, 3000, 3001, 3002, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3026, 3027, 3028, 3029, 3030, 3034, 3035, 3036, 3038,

3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054 and 3055; and that part of Hidalgo County tract 020402 included in block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2066, 2067, 2070, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125 and 2126; and that part of Hidalgo County tract 020804 included in blocks 2003, 2004, 2005, 2006, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020 and 3021; and that part of Hidalgo County tract 023507 included in block group 2 and blocks 3000, 3011, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031 and 3032; and that part of Hidalgo County tract 023511 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1039, 1040, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051 and 2052; and that part of Hidalgo County tract 023513 included in block group 1; and that part of Hidalgo County tract 023801 included in block groups 2 and 3 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1043, 1044 and 1045; and that part of Hidalgo County tract 024106 included in block group 2 and blocks 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1047, 1048, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3038 and 3039; and that part of Hidalgo County tract 024109 included in blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2035, 2036, 2037, 2038, 2039 and 2040; and that part of Hidalgo County tract 024301 included in blocks 1430, 1431, 1432, 1439, 1440, 1448, 1455, 1456, 1457, 1458, 1459, 1460, 1461, 1462, 1463, 1464, 1465, 1466, 1467, 1468, 1469, 1470, 1471, 1472, 1473, 1474, 1475, 1476, 1477, 1478, 1479, 1480, 1481, 1482, 1483, 1484, 1485, 1486, 1487, 1488, 1489, 1490, 1491, 1492, 1493, 1494, 1495, 1496, 1497, 1498, 1499, 1500, 1503, 1504, 1505, 1506, 1507, 1508, 1509, 1510, 1663, 1664, 1665, 1666, 1667, 1668, 1669 and 1670.

SECTION 3. District 3 is composed of Bee, Brooks, Duval, Gonzales, Jim Hogg, Jim Wells, Karnes, Live Oak, McMullen, Starr and Wilson Counties; and Bexar County tracts 110100, 110300, 110500, 110600, 110700, 110800, 110900, 111000, 121205, 121402, 121403, 121404, 121508, 130200, 130300, 130401, 130402, 130500, 130600, 130800, 130900, 131000, 131100, 131200, 131300, 131401, 131402, 131503, 131504, 131505, 131506, 131507, 131611, 131612, 131613, 131614, 131615, 140100, 140200, 140300, 140400, 140500, 140600, 140700, 140800, 140900, 141000, 141101, 141102, 141200, 141300, 141402, 141403, 141404, 141600, 141800, 150100, 150300, 150400, 150501, 150502,

150600, 150700, 150800, 150900, 151000, 151100, 151200, 151301, 151302, 151400, 151500, 151600, 151700, 151900, 152000, 152100, 152201, 152202, 160100, 160200, 160300, 160400, 160501, 160502, 160600, 160701, 160702, 160901, 160902, 161000, 161100, 161200, 161302, 161303, 161304, 161400, 161501, 161503, 161504, 161600, 161801, 161802, 161901, 161902, 162001, 162003, 162004, 170101, 170102, 170200, 170300, 170401, 170402, 170500, 170600, 170700, 170800, 170900, 171000, 171100, 171200, 171301, 171302, 171401, 171402, 171501, 171502, 171601, 171602, 171700, 171801, 171802, 171902, 171903, 171912, 171913, 171914, 171915, 171916, 171917, 171918, 171919, 171920, 171921, 171922, 171923, 171924, 171925, 172002, 172003, 172004, 172005, 172006, 172007, 180101, 180102, 180201, 180202, 180300, 180400, 180501, 180503, 180504, 180602, 180603, 180604, 180701, 180702, 180800, 180901, 180902, 181001, 181003, 181004, 181005, 181301, 181302, 181303, 181402, 181403, 181404, 181503, 181504, 181505, 181506, 181601, 181602, 181704, 181705, 181711, 181712, 181713, 181715, 181716, 181722, 181723, 181725, 181727, 181728, 181729, 181730, 181731, 181808, 181809, 181813, 181814, 181815, 181816, 181817, 181818, 181819, 181820, 181821, 181822, 190100, 190200, 190501, 190503, 190504, 190601, 190603, 190604, 190700, 190901, 191003, 191004, 191005, 191006, 191102, 191900, 192100, 192200, 980002, 980003 and 980100; and that part of Bexar County tract 120100 included in block 1017; and that part of Bexar County tract 120501 included in block groups 1, 3, 4, 5, 6 and 7 and blocks 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008 and 2009; and that part of Bexar County tract 120502 included in block groups 1, 2, 3, 5 and 6 and blocks 4000, 4005, 4006, 4007 and 4008; and that part of Bexar County tract 120600 included in blocks 1003, 1006 and 1009; and that part of Bexar County tract 120701 included in block groups 1, 2 and 3 and blocks 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4008, 4009, 4010, 4011, 4012 and 4013; and that part of Bexar County tract 120702 included in blocks 1003, 1004, 1005, 1006 and 1023; and that part of Bexar County tract 120902 included in blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3020 and 4020; and that part of Bexar County tract 121111 included in block group 4 and blocks 3012, 3013, 3019, 3020, 3021, 3022 and 3023; and that part of Bexar County tract 121112 included in blocks 1005, 1007, 1009, 1010, 1011, 1012, 1016, 1017, 1019, 1020 and 1022; and that part of Bexar County tract 121203 included in block groups 3 and 4 and blocks 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 2010, 2011, 2012, 2013, 2014, 2017, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050 and 2051; and that part of Bexar County tract 121204 included in block groups 2, 3 and 5 and blocks 1000, 1001, 1002, 1003 and 1009; and that part of Bexar County tract 121206 included in blocks 5000, 5001, 5002, 5003, 5004, 5005, 5012, 5013, 5014, 5015, 5016, 6000, 6001, 6002, 6003, 6004, 6011, 6012 and 6013; and that part of Bexar County tract 121300 included in blocks 2002, 2003, 2004, 2005, 2006 and 2010; and that part of Bexar County tract 121506 included in block groups 2 and 3 and blocks 1008, 1009, 1010, 1011, 1012, 1013, 1018 and 1019; and that part of Bexar County tract 121507 included in block groups

3 and 4 and blocks 1001, 1002, 1003, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 2000, 2002, 2003 and 2017; and that part of Bexar County tract 130700 included in block group 1 and blocks 2000, 2001, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032 and 2033; and that part of Bexar County tract 131606 included in blocks 1018, 1022, 1023, 1024, 1025, 1032, 1033, 1034, 1048, 1049 and 1050; and that part of Bexar County tract 131609 included in block groups 2 and 3 and blocks 1000, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034 and 1035; and that part of Bexar County tract 131610 included in block group 1 and blocks 2014, 2015, 2016, 2017, 2018, 2019, 2020 and 2021; and that part of Bexar County tract 141700 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1016, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2113 and 2114; and that part of Bexar County tract 181100 included in block groups 1 and 2 and block 4003; and that part of Bexar County tract 181200 included in blocks 4000, 4006, 4007, 4008 and 4009; and that part of Bexar County tract 181703 included in blocks 2010, 2017 and 2018; and that part of Bexar County tract 181718 included in block groups 2 and 3; and that part of Bexar County tract 181721 included in block group 2 and blocks 1003, 1004, 1008, 1009, 1010 and 1011; and that part of Bexar County tract 181726 included in blocks 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 2003, 2004, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025 and 3026; and that part of Bexar County tract 181811 included in block group 2 and blocks 1011, 1012, 1013, 1014 and 1015; and that part of Bexar County tract 181824 included in blocks 1003, 1004, 1005, 1006, 1007, 1008, 1014, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2019 and 2020; and that part of Bexar County tract 181826 included in block group 3 and blocks 1000, 1001, 1002, 1006, 1007 and 2000; and that part of Bexar County tract 181901 included in block group 1 and blocks 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029 and 2030; and that part of Bexar County tract 190400 included in block groups 1 and 3 and blocks 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024 and 2025; and that part of Bexar County tract 190902 included in block groups 1 and 2 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3012, 3013, 3014, 3015, 3016 and 3030; and that part of Bexar County tract 191101 included in blocks 1031 and 1032; and that part of Bexar County tract 191201 included in blocks 3005, 3006, 3010, 3011 and 3012; and that part of Bexar County tract 191202 included in blocks 1012, 1013,

1014, 2000, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013 and 2014; and that part of Bexar County tract 191304 included in blocks 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1028, 1029, 1030, 1031, 1032, 1033, 1035, 1036, 1037, 1038, 1039, 1040, 1043, 1044, 1045, 1046, 1047, 1048, 1053, 1054, 1055, 2011, 2018, 2019 and 2021; and that part of Bexar County tract 191807 included in blocks 2029, 2030, 2031 and 2048; and that part of Bexar County tract 192000 included in block group 4 and blocks 1056, 1057, 1063, 1064, 1067, 1068, 1069, 1070, 1073, 1074, 1075, 1076, 1077, 1079, 1080, 1082, 1083, 1084, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2012, 2013, 2014, 2017, 2018, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013 and 5015; and Hidalgo County tracts 020201, 020803, 023503, 023504, 023509, 023510, 023512, 023600, 023902, 023903, 023904, 024000, 024105, 024107, 024108, 024110, 024111, 024112, 024113, 024114, 024201, 024203, 024204 and 024205; and that part of Hidalgo County tract 020102 included in block group 2 and blocks 1020, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 3020, 3021, 3022, 3023, 3025, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3073, 3074, 3075, 3076, 3077, 3078, 3079, 3080, 3081, 3082, 3083, 3084, 3085, 3086, 3087, 3088, 3089, 3090, 3091, 3092, 3093, 3094, 3095, 3096, 3097, 3098, 3099, 3100, 3101, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3109, 3110, 3111, 3112, 3113, 3114, 3115, 3116, 3117, 3118, 3119, 3120, 3121, 3122, 3123, 3124, 3125, 3126, 3128, 3129, 3130, 3131, 3132, 3133, 3134, 3135, 3136, 3139, 3140, 3141 and 3142; and that part of Hidalgo County tract 020202 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1035, 3003, 3004, 3005, 3021, 3022, 3023, 3024, 3025, 3031, 3032, 3033 and 3037; and that part of Hidalgo County tract 020402 included in blocks 2065, 2068, 2069, 2071, 2072 and 2073; and that part of Hidalgo County tract 020804 included in block group 1 and blocks 2000, 2001, 2002, 2007, 2017, 3000, 3001, 3002, 3003, 3004, 3005, 3006 and 3007; and that part of Hidalgo County tract 023507 included in block group 1 and blocks 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020 and 3021; and that part of Hidalgo County tract 023511 included in block group 3 and blocks 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061 and 2062; and that part of Hidalgo County tract 023513 included in block groups 2 and 3; and that part of Hidalgo County tract 023801 included in block 1042; and that part of Hidalgo County tract 024106 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020,

1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1049, 1050, 1051, 1052, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026 and 3037; and that part of Hidalgo County tract 024109 included in block groups 1 and 3 and blocks 2018, 2019, 2020, 2021, 2030, 2031, 2032, 2033 and 2034; and that part of Hidalgo County tract 024301 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291, 1292, 1293, 1294, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1327, 1328, 1329, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1344, 1345, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1380, 1381, 1382, 1383, 1384, 1385, 1386, 1387, 1388, 1389, 1390, 1391, 1392, 1393, 1394, 1395, 1396, 1397, 1398, 1399, 1400, 1401, 1402, 1403, 1404, 1405, 1406, 1407, 1408, 1409, 1410, 1411, 1412, 1413, 1414, 1415, 1416, 1417, 1418, 1419, 1420, 1421, 1422, 1423, 1424, 1425, 1426, 1427, 1428, 1429, 1433, 1434, 1435, 1436, 1437, 1438, 1441, 1442, 1443, 1444, 1445, 1446, 1447, 1449, 1450, 1451, 1452, 1453, 1454, 1501, 1502, 1511, 1512, 1513, 1514, 1515, 1516, 1517, 1518, 1519, 1520, 1521, 1522, 1523, 1524, 1525, 1526, 1527, 1528, 1529, 1530, 1531, 1532, 1533, 1534, 1535, 1536, 1537, 1538, 1539, 1540, 1541, 1542, 1543, 1544, 1545, 1546, 1547, 1548, 1549, 1550, 1551, 1552, 1553, 1554, 1555, 1556, 1557, 1558, 1559, 1560, 1561, 1562, 1563, 1564, 1565, 1566, 1567, 1568, 1569, 1570, 1571, 1572, 1573, 1574, 1575, 1576, 1577, 1578, 1579, 1580,

1581, 1582, 1583, 1584, 1585, 1586, 1587, 1588, 1589, 1590, 1591, 1592, 1593, 1594, 1595, 1596, 1597, 1598, 1599, 1600, 1601, 1602, 1603, 1604, 1605, 1606, 1607, 1608, 1609, 1610, 1611, 1612, 1613, 1614, 1615, 1616, 1617, 1618, 1619, 1620, 1621, 1622, 1623, 1624, 1625, 1626, 1627, 1628, 1629, 1630, 1631, 1632, 1633, 1634, 1635, 1636, 1637, 1638, 1639, 1640, 1641, 1642, 1643, 1644, 1645, 1646, 1647, 1648, 1649, 1650, 1651, 1652, 1653, 1654, 1655, 1656, 1657, 1658, 1659, 1660, 1661, 1662, 1671, 1672, 1673, 1674, 1675, 1676, 1677, 1678, 1679, 1680, 1681, 1682, 1683, 1684, 1685, 1686, 1687, 1688, 1689, 1690, 1691, 1692, 1693, 1694, 1695, 1696, 1697, 1698, 1699, 1700, 1701, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1710, 1711, 1712, 1713, 1714, 1715, 1716, 1717, 1718, 1719, 1720, 1721, 1722, 1723, 1724, 1725, 1726, 1727, 1728, 1729, 1730, 1731, 1732, 1733, 1734, 1735, 1736, 1737, 1738, 1739, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1748, 1749, 1750, 1751, 1752, 1753, 1754, 1755, 1756, 1757, 1758, 1759, 1760, 1761, 1762, 1763, 1764, 1765, 1766, 1767, 1768, 1769 and 1770.

SECTION 4. District 4 is composed of Brazoria County tracts 660400, 660500 and 660601; and that part of Brazoria County tract 660602 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1071, 1072, 1073, 1074, 1075, 1076, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151 and 1152; and that part of Brazoria County tract 660701 included in block groups 2, 3 and 4 and blocks 1000, 1001, 1002, 1003, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1033, 1051, 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5023, 5029 and 5030; and that part of Brazoria County tract 660702 included in blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2013, 2014, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2079, 2080, 2081, 2084, 2085, 2130, 2131, 2132, 2135, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3014, 3018, 3019 and 3020; and that part of Brazoria County tract 660801 included in block groups 2 and 3 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038 and 1039; and that part of Brazoria County tract 660802 included in block group 3 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1039, 2002, 2003, 2004, 2005, 2006, 2008, 2009, 2010, 2011 and 2016; and that part of Brazoria County tract 661900 included in blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042,

1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1074, 1187, 1188, 1189, 1190 and 1202; and Fort Bend County tracts 670101, 670102, 670200, 670300, 670400, 670500, 670601, 670602, 670700, 670800, 670902, 671002, 671100, 671200, 671300 and 672400; and that part of Fort Bend County tract 670901 included in block groups 1 and 2 and blocks 3000, 3001, 3002, 3003, 3004, 3012, 3013, 3014, 3015, 3016, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038 and 3039; and that part of Fort Bend County tract 671001 included in block group 3 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2024 and 2025; and that part of Fort Bend County tract 671400 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058 and 1059; and that part of Fort Bend County tract 671501 included in block group 4 and blocks 1000, 1001, 1003, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1031, 1032 and 3021; and that part of Fort Bend County tract 671502 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1019, 1020, 1021 and 1022; and that part of Fort Bend County tract 671800 included in block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146 and 2147; and that part of Fort Bend County tract 671900 included in block 1000; and that part of Fort Bend County tract 672001 included in block group 3; and that part of Fort Bend County tract 672301 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1027, 1028, 1029, 1030, 1031, 1043, 1044, 1045, 1053 and 1054; and that part of Fort Bend County tract 674501 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095,

1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135 and 1136; and that part of Fort Bend County tract 674502 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1119, 1124, 1127, 1129, 1148, 1161, 1162, 1163, 1164, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 2000, 2001, 2002, 2003, 2004, 2038, 2039, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2070, 2076, 2077, 2078 and 2079; and that part of Fort Bend County tract 674602 included in block 1068; and Harris County tracts 210900, 211000, 211100, 211200, 211300, 211700, 230100, 230200, 230300, 230400, 230600, 230700, 230800, 230900, 231000, 231100, 231200, 231300, 231400, 231500, 231600, 231900, 232301, 232302, 232401, 232402, 232403, 232800, 232900, 233001, 233002, 233003, 233600, 240400, 240501, 240502, 240600, 240701, 240702, 240801, 240902, 250100, 250200, 250301, 250302, 250500, 250600, 252200, 252301, 252302, 252800, 252900, 253000, 253100, 253200, 253400, 253500, 253600, 253700, 253800, 253900, 254000, 254100, 254200, 254300, 254400, 254500, 254600, 254700, 310200, 312000, 312100, 312200, 312300, 312400, 312500, 312600, 312700, 312800, 312900, 313000, 313100, 313200, 313500, 313600, 313700, 313800, 313900, 314001, 314002, 314300, 314400, 323701, 323702, 330100, 330200, 330301, 330302, 330303, 330400, 330500, 330600, 330700, 330800, 330900, 331100, 331200, 331300, 331400, 331500, 331601, 331602, 331700, 331800, 331900, 332000, 332100, 332200, 332300, 332400, 332500, 334002, 334100, 342001, 342002, 342100, 342300, 342700, 342800, 342900, 343000, 343100, 343200, 343301, 343302, 350200, 350400, 350500, 410100, 410200, 410300, 410401, 410402, 410500, 410600, 410701, 410702, 410800, 410900, 411000, 411100, 411501, 411502, 411700, 411800, 411900, 412000, 412100, 412200, 412300, 412400, 412500, 412600, 412700, 412800, 412900, 413000, 413100, 413201, 413202, 413300, 420100, 420200, 420300, 420400, 420500, 420600, 420700, 420800, 420900, 421000, 421800, 421900, 422000, 422100, 422200, 422301, 422302, 422401, 422402, 423100, 423201,

423202, 423301, 423302, 423401, 423402, 423500, 423600, 433600, 440100, 453300, 453401, 453402, 453403, 453501, 453502, 453800, 510400, 511100, 511301, 511302, 530200, 530300, 530900, 531000, 531100, 531700, 531800, 531900, 532001, 532002, 532200, 532600, 532700, 532800, 532900, 533000, 533100, 533200, 533400, 533801, 533802, 533901, 550100, 550200, 550301, 550302, 550401, 550402, 550500, 550601, 550602, 550603, 550800, 551100, 553100, 553200, 553300 and 980100; and that part of Harris County tract 100000 included in block group 2 and blocks 1006, 1007, 1008, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1029, 1030, 1031, 1032, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 3013, 3014, 3018, 3027, 3028, 3029, 3030, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3073, 3074, 3075, 3076, 3077, 3078, 3079, 3080, 3081, 3082, 3083, 3084, 3085, 3086, 3087, 3088, 3089, 3090, 3091, 3092, 3093, 3094, 3095, 3096, 3097, 3098, 3099, 3100, 3101, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3109, 3110, 3111, 3112, 3113, 3114, 3115, 3116, 3117, 3118, 3119, 3120, 3121, 3122, 3123, 3124, 3125, 3126, 3127, 3128, 3129, 3130 and 3131; and that part of Harris County tract 210100 included in blocks 1000, 1001, 1005, 1006, 1013 and 1053; and that part of Harris County tract 210800 included in blocks 1045, 1050, 1061, 1062, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1082, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2054, 2055, 2056, 2057, 2058 and 2060; and that part of Harris County tract 211400 included in block groups 1 and 3 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2041, 2042 and 2043; and that part of Harris County tract 211500 included in blocks 2006, 2027, 2028, 2029, 2040, 2041, 2042, 2043, 2044, 2045, 2046 and 2047; and that part of Harris County tract 211600 included in blocks 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2056 and 2057; and that part of Harris County tract 212300 included in blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3071, 3072, 3073, 3074, 3075, 3083, 3084, 3085, 3086, 3087, 3101, 3125, 3126 and 3127; and that part of Harris County tract 212400 included in blocks 2000, 2001, 2002, 2003,

2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2074, 2075, 2076, 2077, 2078, 2079, 2083, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104 and 2105; and that part of Harris County tract 212500 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3122, 3123, 3126, 3127, 3128, 3129, 3130, 3131, 3132, 3133, 3134, 3135, 3136, 3137, 3138, 3139, 3140, 3141, 3143, 3144, 3145, 3146, 3147, 3148, 3149, 3150, 3153, 3154, 3155, 3156, 3157, 3158, 3159, 3160, 3161, 3162, 3183, 3184, 3188, 3189, 3190, 3191, 3192, 3193 and 3194; and that part of Harris County tract 220100 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1058, 1059, 1060 and 1061; and that part of Harris County tract 220500 included in blocks 3006, 3007, 3008, 3009, 3010 and 3011; and that part of Harris County tract 220700 included in blocks 1008, 3004, 3007, 3008, 4007, 4008, 4009, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028, 4029, 4030, 4031 and 4034; and that part of Harris County tract 220800 included in block group 2 and blocks 1003, 1004, 1005, 1009, 1010, 1011, 1012, 1013, 1014, 1018, 1022, 1023 and 1024; and that part of Harris County tract 222700 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1110, 1111, 1112, 1113, 1114, 1115, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132 and 1136; and that part of Harris County tract 230500 included in blocks 3041, 3043, 3045, 3046, 3047, 3048, 3050, 3051, 3052, 3053, 3054, 3055, 3056 and 3057; and that part of Harris County tract 231800 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 2000, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035 and 2036; and that part of Harris County tract 232000 included in block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2086, 2091, 2092, 2093, 2095, 2096, 2097, 2100, 2101, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114 and 2115;

and that part of Harris County tract 232100 included in blocks 1032, 2000, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2034, 2037, 2038, 2039 and 2040; and that part of Harris County tract 232200 included in block groups 1, 2 and 3 and blocks 4000, 4001, 4002, 4003, 4004, 4059, 4060, 4061, 4062, 4063, 4064, 4071 and 4072; and that part of Harris County tract 232500 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1038, 1048, 1080, 1081, 1082, 1083, 1084, 1085, 1089, 1090, 1091, 1092, 1093, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112 and 1113; and that part of Harris County tract 233101 included in blocks 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2020, 2021, 2022, 2023 and 2024; and that part of Harris County tract 233102 included in blocks 1016, 1017, 1019, 1028, 1029, 1030, 1031 and 1032; and that part of Harris County tract 233200 included in blocks 1000, 1001, 1002, 1003, 4000, 4001, 4002 and 4003; and that part of Harris County tract 233400 included in blocks 2007, 2015, 2016, 2017, 2018, 2020, 2021, 2022, 2023 and 2024; and that part of Harris County tract 233701 included in blocks 1002, 1003, 1039, 1040, 1041, 1042, 1043, 1044, 1085, 1086, 1087, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1135, 1161, 1173, 1174, 1184, 1185 and 1186; and that part of Harris County tract 240100 included in blocks 1018, 1019, 1020, 1021, 1022, 1066, 1067, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2058, 2059, 2062, 2063, 2064, 2065, 2081, 2082, 2088 and 2089; and that part of Harris County tract 240802 included in block group 2 and blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136 and 1137; and that part of Harris County tract 240901 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024 and 1025; and that part of Harris County tract 241000 included in blocks 4028 and 4029; and that part of Harris County tract 241500 included in block groups 1 and 2 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027,

3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3073, 3074, 3075, 3076, 3077, 3078, 3079, 3080, 3081, 3082, 3083, 3084, 3085, 3086, 3087, 3088, 3089, 3090, 3091, 3092, 3093, 3094, 3095, 3096, 3097, 3098, 3099, 3100, 3101, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3109, 3110, 3111, 3112, 3113, 3114, 3115, 3116, 3117, 3118, 3119, 3120, 3121, 3122, 3123, 3124, 3125, 3126, 3127, 3128, 3129, 3130, 3131, 3132, 3133, 3134, 3135, 3136, 3137, 3138, 3139, 3140, 3141, 3142, 3143, 3144, 3145, 3146, 3147, 3148, 3149, 3150, 3151, 3152, 3153, 3154, 3155, 3160, 3161, 3162, 3163, 3164, 3165, 3166, 3167, 3168, 3169, 3170, 3171, 3172, 3173, 3174, 3175, 3176, 3177 and 3178; and that part of Harris County tract 250401 included in blocks 1038, 1039 and 1040; and that part of Harris County tract 250402 included in blocks 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1049, 1052, 1053, 1054, 1055, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1116, 1117, 1118 and 1119; and that part of Harris County tract 251100 included in blocks 5013, 5014, 5028, 5029, 5030, 5031, 5032, 5035, 5036, 5037, 5038, 5039, 5040, 5041, 5042, 5047, 5048 and 5049; and that part of Harris County tract 251901 included in blocks 2005 and 4039; and that part of Harris County tract 251902 included in blocks 1034, 1035, 1036, 1048, 2025, 2042 and 2043; and that part of Harris County tract 252000 included in blocks 1000, 1001, 1002, 1003, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210 and 1211; and that part of Harris County tract 252100 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1066, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078,

1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196 and 1197; and that part of Harris County tract 252400 included in block groups 1 and 4 and blocks 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2027, 2028, 2029, 2030, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3050, 3051 and 3052; and that part of Harris County tract 252500 included in block groups 3 and 4 and blocks 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1102, 1103, 1237, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2090, 2091, 2092 and 2093; and that part of Harris County tract 252600 included in block groups 1, 2 and 4 and blocks 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3073, 3074, 3075, 3076, 3077, 3078, 3079, 3080, 3081, 3082, 3083, 3084, 3085, 3086, 3087, 3088, 3089, 3090, 3091, 3092, 3093, 3094, 3095, 3096, 3097, 3098, 3099, 3100, 3101, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3109, 3110, 3111, 3112, 3113, 3114, 3115, 3116, 3117, 3118, 3119, 3120, 3121, 3122, 3123, 3124, 3125, 3126, 3127, 3128, 3129, 3130, 3131, 3132, 3133, 3134, 3135, 3136, 3137, 3138, 3139, 3140, 3141, 3142, 3143, 3144, 3145, 3146, 3147, 3148, 3149, 3150, 3151, 3152, 3153, 3154, 3155, 3156, 3157, 3158, 3159, 3160, 3161, 3162, 3163, 3164, 3165, 3166, 3167, 3168, 3169, 3170, 3171, 3172, 3173, 3174, 3175, 3176, 3177, 3178, 3179, 3180, 3181, 3182, 3183, 3184, 3185, 3186, 3187, 3188, 3189, 3190, 3191, 3192, 3193, 3194, 3195, 3196, 3197, 3198, 3199, 3200, 3201, 3202, 3203, 3204, 3205, 3206, 3207, 3208, 3209, 3210, 3211, 3212, 3213, 3214, 3215, 3216, 3217, 3218, 3219, 3220, 3221, 3222, 3223, 3224, 3225, 3226, 3227, 3228, 3229, 3230, 3231, 3232, 3233, 3234, 3235, 3236, 3237, 3238, 3239, 3240, 3241, 3242, 3243, 3244, 3245, 3246, 3247, 3248, 3249, 3250, 3251, 3252, 3253, 3254, 3255, 3256, 3257, 3258, 3259, 3260, 3261, 3262, 3263, 3264, 3265, 3266, 3267,

3268, 3269, 3270, 3271, 3272, 3273, 3274, 3275, 3276, 3277, 3278, 3279, 3280, 3281, 3282, 3283, 3284, 3285, 3286, 3287, 3288, 3289, 3290, 3291, 3292, 3293, 3294, 3295, 3296, 3297, 3298, 3299, 3300, 3301, 3302, 3303, 3304, 3305, 3306, 3307, 3308, 3309, 3310, 3311, 3312, 3313, 3314, 3315, 3316, 3317, 3318, 3319, 3320, 3321, 3322, 3323, 3324, 3325, 3326, 3327, 3328, 3329, 3330, 3331, 3332, 3333, 3334, 3335, 3336, 3337, 3338, 3339, 3340, 3341, 3342, 3343, 3344, 3345, 3346, 3347, 3348, 3349, 3350, 3351, 3352, 3353, 3354, 3355, 3356, 3357, 3358, 3359, 3360, 3361, 3362, 3363, 3364, 3365, 3366, 3367, 3368, 3369, 3370, 3371, 3372, 3373, 3374, 3375, 3376, 3377, 3378, 3379, 3380, 3381, 3382, 3383, 3384, 3385, 3386, 3387, 3388, 3389, 3390, 3391, 3392, 3393, 3394, 3395, 3396, 3397, 3398, 3399, 3400, 3401, 3402, 3403, 3404, 3405, 3406, 3407, 3408, 3409, 3410, 3411, 3412, 3413, 3414, 3415, 3416, 3417, 3418, 3419, 3420, 3421, 3422, 3423, 3424, 3425, 3426, 3427, 3428, 3429, 3430, 3431, 3432, 3433, 3434, 3435, 3436, 3437, 3438, 3439, 3440, 3441, 3442, 3443, 3444, 3445, 3446, 3447, 3448, 3449, 3450, 3451, 3452, 3453, 3454, 3455, 3456, 3457, 3458, 3459, 3460, 3461, 3462, 3463, 3464, 3465, 3466, 3467, 3468, 3469, 3470, 3471, 3472, 3473, 3474, 3475, 3476, 3477, 3478, 3479, 3480, 3481, 3482, 3483, 3484, 3485, 3486, 3487, 3488, 3489, 3490, 3491, 3492, 3493, 3494, 3495, 3496, 3497, 3498, 3499, 3500, 3501, 3502, 3503, 3504, 3505, 3506, 3507, 3509, 3510, 3511, 3512, 3513, 3514, 3515, 3516, 3517, 3518, 3519, 3520, 3521, 3522, 3523, 3524, 3525, 3526, 3527, 3528, 3529, 3530, 3531, 3532, 3533, 3534, 3535, 3536, 3537, 3538, 3539, 3540, 3541, 3542, 3543, 3544, 3545 and 3546; and that part of Harris County tract 253300 included in block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143 and 2144; and that part of Harris County tract 310100 included in blocks 1028, 2000, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2182 and 2183; and that part of Harris County tract 310300 included in blocks 3012, 3014, 3015, 3016, 3017, 3018, 3019, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038 and 3039; and that part of Harris County tract 310400 included in blocks 1000 and 1002; and that part of Harris County tract 313300 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1013, 1014, 1015 and 1016; and that part of Harris County tract 313400 included in block group 1 and

blocks 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055 and 2056; and that part of Harris County tract 321100 included in blocks 1000, 1001, 1025, 1026, 1027, 1028 and 1043; and that part of Harris County tract 321200 included in blocks 2011, 2026 and 2027; and that part of Harris County tract 324000 included in block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2108, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120 and 2121; and that part of Harris County tract 324200 included in blocks 1093, 1121 and 1197; and that part of Harris County tract 332600 included in block groups 3 and 4 and blocks 1005, 1012, 2000, 2001, 2002, 2003, 2004, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033 and 2034; and that part of Harris County tract 333600 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1025, 2000, 2002, 3008, 3016 and 3017; and that part of Harris County tract 333700 included in blocks 2104, 2105, 2106 and 2107; and that part of Harris County tract 333901 included in blocks 1021, 1022, 1023, 1024, 1025 and 1026; and that part of Harris County tract 334003 included in blocks 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 2006, 2007, 3007, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058 and 3059; and that part of Harris County tract 340100 included in block group 2 and blocks 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1072, 1073, 1074, 1075, 1076, 1078, 1079, 1080, 1081, 1082, 1083 and 1084; and that part of Harris County tract 340201 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112,

1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1131, 1132 and 1133; and that part of Harris County tract 340202 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1021, 1022, 1024, 1025, 2000, 2001, 2002, 2003, 2004, 2005, 2006 and 2008; and that part of Harris County tract 340203 included in blocks 1005, 1006, 1007, 1008, 1009 and 1010; and that part of Harris County tract 340301 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1012, 1013, 1014, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012 and 2026; and that part of Harris County tract 340900 included in block group 2 and blocks 1008, 1009, 1010, 1011, 1012, 1013, 1014 and 1015; and that part of Harris County tract 341800 included in blocks 2001, 2002, 2014, 2015 and 2017; and that part of Harris County tract 342500 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1016, 1017, 1018, 1019, 1020, 1021, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 3000, 3001, 3005, 3006, 3007, 3008, 3009, 3010, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049 and 3050; and that part of Harris County tract 343600 included in block group 3 and blocks 1000, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1015, 1016, 1017, 1018, 1019, 1020, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1054, 1055, 1056, 1057, 1202, 1312, 1327, 1328, 1329, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1344, 1345, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1380, 1381, 1382, 1383, 1384, 1385, 1386, 1387, 1388, 1389, 1390, 1391, 1392, 1393, 1394, 1395, 1396, 1397, 1398, 1399, 1400, 1401, 1402, 1403, 1404, 1405, 1406, 1407, 1408, 1409, 1410, 1411, 1412, 1413, 1414, 1415, 1416, 1417, 1418, 1419, 1420, 1421, 1422, 1423, 1424, 1425, 1426, 1427, 1428, 1429, 1430, 1431, 1432, 1433, 1434, 1435, 1436, 1437, 1438, 1439, 1440, 1441, 1442, 1443, 1444, 1445, 1446, 1447, 1448, 1449, 1450, 1451, 1452, 1453, 1454, 1455, 1456, 1457, 1458, 1459, 1460, 1461, 1462, 1463, 1464, 1465, 1466, 1467, 1468, 1469, 1470, 1471, 1472, 1473, 1474, 1475, 1476, 1477, 1478, 1479, 1480, 1481, 1482, 1483, 1484, 1485, 1486, 1487, 1488, 1489, 1490, 1491, 1492, 1493, 1494, 1495, 1496, 1497, 1498, 1499, 1500, 1501, 1502, 1503, 1504, 1505, 1506, 1507, 1508, 1509, 1510, 1511, 1512, 1513, 1514, 1515, 1516, 1517, 1518, 1519, 1520, 1521, 1522, 1523, 1524, 1525, 1526, 1527, 1528, 1529, 1530, 1531, 1532, 1533, 1534, 1535, 1536, 1537, 1538, 1539, 1540, 1541, 1542, 1543, 1544, 1545, 1546, 1547, 1548, 1549, 1550, 1551, 1552, 1553, 1554, 1555, 1556, 1557, 1558, 1559, 1560, 1561, 1562, 1563, 1564, 1565, 1566, 1567, 1568, 1569, 1570, 1571, 1572, 1573, 1574, 1575, 1576, 1577, 1578, 1579, 1580, 1581, 1582, 1583, 1584, 1585, 1586, 1587, 1588, 1589, 1590, 1591, 1592, 1593, 1594, 1595, 1596, 1597, 1598, 1599, 1600, 1601, 1602, 1603, 1604, 1605, 1606, 1607, 1608, 1609, 1610, 1611, 1612, 1613, 1614, 1615, 1616, 1617, 1618, 1619, 1620, 1621, 1622, 1623, 1624, 1625, 1626, 1627,

1628, 1629, 1630, 1631, 1632, 1633, 1634, 1635, 1636, 1637, 1638, 1639, 1640, 1641, 1642, 1643, 1644, 1645, 1646, 1647, 1648, 1649, 1650, 1651, 1652, 1653, 1654, 1655, 1656, 1657, 1658, 1659, 1660, 1661, 1662, 1663, 1664, 1665, 1666, 1667, 1668, 1669, 1670, 1671, 1672, 1673, 1674, 1675, 1676, 1677, 1678, 1679, 1680, 1681, 1682, 1683, 1684, 1685, 1686, 1687, 1688, 1689, 1690, 1691, 1692, 1693, 1694, 1695, 1696, 1697, 1698, 1699, 1700, 1701, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1710, 1711, 1712, 1713, 1714, 1715, 1716, 1717, 1718, 1719, 1720, 1721, 1722, 1723, 1724, 1725, 1726, 1727, 1728, 1729, 1730, 1731, 1732, 1733, 1734, 1735, 1736, 1737, 1738, 1739, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1748, 1749, 1750, 1751, 1752, 1753, 1754, 1755, 1756, 1757, 1758, 1759, 1760, 1761, 1762, 1763, 1764, 1765, 1766, 1767, 1768, 1769, 1770, 1771, 1772, 1773, 1774, 1775, 1776, 1777, 1778, 1779, 1780, 1781, 1782, 1783, 1784, 1785, 1786, 1787, 1788, 1789, 1790, 1791, 1794, 1795, 1796, 1797, 1799, 1800, 1801, 1804, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2014, 2015, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2029, 2032, 2033, 2034, 2080, 2081, 2082, 2089, 2090, 2091, 2092, 2095, 2096 and 2097; and that part of Harris County tract 343700 included in block groups 1 and 2 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3073, 3074, 3075, 3076, 3077, 3078, 3079, 3080, 3081, 3082, 3083, 3084, 3085, 3086, 3087, 3088, 3089, 3090, 3091, 3092, 3093, 3094, 3095, 3096, 3097, 3098, 3099, 3100, 3101, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3109, 3110, 3111, 3112, 3113, 3114, 3115, 3116, 3117, 3118, 3119, 3120, 3121, 3122, 3123, 3124, 3125, 3126, 3127, 3128, 3129, 3130, 3131, 3132, 3133, 3134, 3135, 3136, 3137, 3138, 3139, 3140, 3141, 3142, 3143, 3144, 3145, 3146, 3147, 3148, 3149, 3150, 3151, 3152, 3153, 3154, 3155, 3156, 3157, 3158, 3159, 3160, 3161, 3162, 3163, 3164, 3165, 3166, 3167, 3168, 3169, 3170, 3171, 3172, 3173, 3174, 3175, 3176, 3177, 3178, 3179, 3180, 3181, 3182, 3185, 3186, 3187, 3188, 3189, 3190, 3191, 3192, 3193, 3197, 3198, 3202, 3203, 3204, 3205, 3206, 3207, 3208, 3209, 3210, 3211, 3212, 3213, 3214, 3215, 3216, 3217, 3218, 3219, 3220, 3221, 3222, 3223, 3224, 3225, 3230, 3231 and 3232; and that part of Harris County tract 350100 included in blocks 1000, 1006, 1007, 1012, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2023, 2024, 2025, 2026, 2027, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095 and 2096; and that part of Harris County tract 350300 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1014, 1015, 1016, 1024, 1025, 2000, 2002, 2013, 2014, 4000, 4001, 4002, 4003, 4004, 4005, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020 and 4021; and that part of Harris

County tract 350601 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054 and 1069; and that part of Harris County tract 411200 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004 and 1005; and that part of Harris County tract 411400 included in block group 3 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015 and 2017; and that part of Harris County tract 421500 included in blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008 and 3009; and that part of Harris County tract 421600 included in blocks 3011, 3012, 3013, 3014, 3015, 3016, 3017 and 3018; and that part of Harris County tract 421700 included in block groups 2, 3 and 4 and blocks 1000, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012 and 1013; and that part of Harris County tract 422500 included in block groups 2, 3 and 4; and that part of Harris County tract 422600 included in blocks 3006, 3007, 3016, 3017, 3019, 3021, 3022 and 3023; and that part of Harris County tract 423000 included in blocks 1011, 1012, 1013, 1014, 1015 and 1016; and that part of Harris County tract 433502 included in blocks 1010, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2012, 2013, 2014 and 2015; and that part of Harris County tract 452700 included in blocks 3011, 3012, 3013, 3014, 3015, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031 and 3032; and that part of Harris County tract 453602 included in blocks 3000, 3001, 3005, 3006, 3007, 3009, 3011, 3012, 3016, 3017 and 3018; and that part of Harris County tract 453700 included in blocks 1006, 1007, 1008, 1009, 1013, 1015, 1016, 1017, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040 and 3041; and that part of Harris County tract 453900 included in block groups 2 and 3 and blocks 1000, 1001, 1002, 1003, 1004, 1010, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048 and 1049; and that part of Harris County tract 510100 included in blocks 1048, 1059, 1060, 1061, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088 and 1089; and that part of Harris County tract 510200 included in blocks 2002, 2005, 2006, 2007, 2008, 2009, 2010, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2125, 2126, 2136, 2137, 2138 and 2139; and that part of Harris County tract 510300 included in blocks 1002, 1010, 1011, 1012, 1018, 1019, 1022, 1023, 2000, 2001, 2002, 2003, 2006, 2007, 2008, 2009, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2024, 2025, 2026, 2027, 2029, 2030, 2031, 2032, 2033, 3000, 3001, 3002, 3003, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 4001, 4002, 4008, 4009, 4010, 4011, 4012 and 4015; and that part of Harris County tract 510500 included in block groups 1 and 3 and blocks 2000, 2001, 2002, 2003 and 2004; and that part of Harris County tract 510900 included in blocks 1000, 1001, 1002, 1003, 1038, 1039, 1040, 1041, 1042, 1043, 1044 and 1045; and that part of Harris County tract 511001 included in blocks 1000 and 1001; and that part of Harris County tract 511200 included in block group 1 and blocks 2000, 2001, 2002, 2003, 2005, 2007, 2008, 2009, 2011, 2014, 2015, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2029,

3000, 3001, 3002, 3003, 3004, 3007, 3009 and 3012; and that part of Harris County tract 511400 included in blocks 1002, 1003, 1007, 1008, 1009, 1010, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 2001, 2002, 2003, 2004, 2005, 2006, 2022, 2023, 2024, 2025, 2026, 2027, 2031, 2032, 2033, 2034, 3005, 3006, 3007, 3008, 3009, 3011, 3012, 3013, 3014, 3015, 3016 and 3017; and that part of Harris County tract 511500 included in block groups 4, 5, 6 and 7 and blocks 3003, 3004, 3007, 3008, 3013, 3014, 3015, 3016, 3017 and 3019; and that part of Harris County tract 530100 included in blocks 3014, 3015 and 3016; and that part of Harris County tract 530400 included in block group 1 and blocks 2001, 2002, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2035, 2037, 2038, 2039 and 2040; and that part of Harris County tract 530500 included in block group 3 and blocks 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 2004, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019 and 2020; and that part of Harris County tract 530600 included in block group 2 and blocks 1004, 1006, 1007, 1008, 1009, 1010, 1012 and 1013; and that part of Harris County tract 530800 included in block groups 2 and 3 and blocks 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1012, 1013, 1014, 1015, 1016, 1017, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037 and 1038; and that part of Harris County tract 531200 included in block group 2 and blocks 1003, 1004, 1008, 1009, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012 and 3013; and that part of Harris County tract 531300 included in blocks 1000, 1010, 2001, 2002, 2004, 2005, 2006, 2034, 2035 and 2036; and that part of Harris County tract 531400 included in blocks 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1028, 1029, 1030, 1031 and 1032; and that part of Harris County tract 531500 included in block group 2 and blocks 1015, 1017, 1020, 1021, 1022, 1024, 3001, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047 and 3048; and that part of Harris County tract 531600 included in block group 1 and blocks 2000, 2001, 2002, 2003, 2010, 2011, 2012, 2013, 2019, 2020, 2021, 2022, 2023, 2024, 2027, 2028, 2029, 2030, 2031, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045 and 2047; and that part of Harris County tract 532100 included in block groups 2 and 4 and blocks 1013, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020 and 3021; and that part of Harris County tract 533300 included in block groups 1, 3 and 4 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045 and 2046; and that part of Harris County tract 533701 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1025, 1027, 3000, 3001, 3002, 3003, 3004, 3005,

3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031 and 3032; and that part of Harris County tract 534001 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1063, 1064, 1065, 1066, 1067 and 1068; and that part of Harris County tract 550700 included in block group 2 and blocks 1000, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033 and 1034; and that part of Harris County tract 550900 included in block groups 1, 3 and 4 and blocks 2001, 2002, 2003, 2005, 2006, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036 and 2037; and that part of Harris County tract 551200 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1012, 1013, 1022, 1023, 1024, 1025, 1029, 1030, 1031, 1033, 1034, 1035, 1040, 1042, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007 and 2033.

SECTION 5. District 5 is composed of Blanco, Caldwell, Comal, Gillespie, Guadalupe, Hays, Kendall, Kerr, Llano, Mason and San Saba Counties; and Bexar County tracts 120300, 120400, 120800, 120901, 121000, 121108, 121110, 121115, 121116, 121117, 121118, 121119, 121120, 121121, 121122, 121501, 121504, 121505, 121601, 121604, 121605, 121606, 121701, 121702, 121802, 121803, 121804, 121808, 121809, 121810, 121811, 121812, 121813, 121903, 121904, 121905, 121906, 121907, 121908, 121909, 121910, 131601, 131608, 131700, 131801, 131802, 141900, 181720, 181724, 181823, 181825, 181902, 182001, 182002, 182003, 182101, 182102, 182103, 182105, 182106, 190800, 191303, 191405, 191406, 191408, 191409, 191410, 191411, 191412, 191413, 191503, 191504, 191505, 191506, 191701, 191702, 191804, 191806, 191808, 191809, 191810, 191811, 191812, 191813, 191814, 191815, 191816, 191817, 192300, 980001, 980004 and 980005; and that part of Bexar County tract 120100 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213,

1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266 and 1267; and that part of Bexar County tract 120501 included in block 2000; and that part of Bexar County tract 120502 included in blocks 4001, 4002, 4003 and 4004; and that part of Bexar County tract 120600 included in block groups 2, 3, 4, 5, 6 and 7 and blocks 1000, 1001, 1002, 1004, 1005, 1007 and 1008; and that part of Bexar County tract 120701 included in block group 5 and blocks 4007, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028, 4029, 4030, 4031, 4032, 4033 and 4034; and that part of Bexar County tract 120702 included in block groups 2 and 3 and blocks 1000, 1001, 1002, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021 and 1022; and that part of Bexar County tract 120902 included in block groups 1 and 2 and blocks 3019, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018 and 4019; and that part of Bexar County tract 121111 included in block groups 1 and 2 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3014, 3015, 3016, 3017 and 3018; and that part of Bexar County tract 121112 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1006, 1008, 1013, 1014, 1015, 1018, 1021, 1023 and 1024; and that part of Bexar County tract 121203 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2015, 2016 and 2018; and that part of Bexar County tract 121204 included in block group 4 and blocks 1004, 1005, 1006, 1007 and 1008; and that part of Bexar County tract 121206 included in block groups 1, 2, 3 and 4 and blocks 5006, 5007, 5008, 5009, 5010, 5011, 6005, 6006, 6007, 6008, 6009 and 6010; and that part of Bexar County tract 121300 included in block groups 1, 3 and 4 and blocks 2000, 2001, 2007, 2008, 2009, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035 and 2036; and that part of Bexar County tract 121506 included in block group 4 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1014, 1015, 1016, 1017, 1020 and 1021; and that part of Bexar County tract 121507 included in blocks 1000, 1004, 2001, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016 and 2018; and that part of Bexar County tract 130700 included in block 2002; and that part of Bexar County tract 131606 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1019, 1020, 1021, 1026, 1027, 1028, 1029, 1030, 1031, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1051 and 1052; and that part of Bexar County tract 131609 included in block 1001; and that part of Bexar County tract 131610 included in blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2022 and 2023; and that part of Bexar County tract 141700 included in blocks 1013, 1014, 1015, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046,

1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 2063, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2115, 2116 and 2117; and that part of Bexar County tract 181100 included in block group 3 and blocks 4000, 4001, 4002, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016 and 4017; and that part of Bexar County tract 181200 included in block groups 1, 2, 3 and 5 and blocks 4001, 4002, 4003, 4004 and 4005; and that part of Bexar County tract 181703 included in block groups 1 and 3 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2011, 2012, 2013, 2014, 2015, 2016, 2019, 2020 and 2021; and that part of Bexar County tract 181718 included in block group 1; and that part of Bexar County tract 181721 included in blocks 1000, 1001, 1002, 1005, 1006, 1007, 1012, 1013, 1014 and 1015; and that part of Bexar County tract 181726 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 2000, 2001, 2002, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2029, 2030, 2031, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3027, 3028 and 3029; and that part of Bexar County tract 181811 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009 and 1010; and that part of Bexar County tract 181824 included in blocks 1000, 1001, 1002, 1009, 1010, 1011, 1012, 1013, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018 and 2021; and that part of Bexar County tract 181826 included in block group 4 and blocks 1003, 1004, 1005, 1008, 1009, 1010, 1011, 1012, 1013, 2001, 2002, 2003, 2004, 2005 and 2006; and that part of Bexar County tract 181901 included in blocks 2000, 2001 and 2002; and that part of Bexar County tract 190400 included in blocks 2000, 2001, 2002 and 2003; and that part of Bexar County tract 190902 included in blocks 3011, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040 and 3041; and that part of Bexar County tract 191101 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029 and 1030; and that part of Bexar County tract 191201 included in block groups 1 and 2 and blocks 3000, 3001, 3002, 3003, 3004, 3007, 3008 and 3009; and that part of Bexar County tract 191202 included in block groups 3 and 4 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1015, 2001, 2002, 2003, 2004 and 2005; and that part of Bexar County tract 191304 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1025, 1026, 1027, 1034, 1041, 1042, 1049, 1050, 1051, 1052, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2012, 2013, 2014, 2015, 2016, 2017 and 2020; and that part of Bexar County tract 191807 included in block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2049, 2050, 2051, 2052, 2053, 2054 and 2055; and that part of Bexar County tract 192000 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008,

1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1058, 1059, 1060, 1061, 1062, 1065, 1066, 1071, 1072, 1078, 1081, 2000, 2011, 2015, 2016, 3014, 3015, 3016 and 5014; and Travis County tracts 000203, 000204, 000205, 000206, 000302, 000304, 000305, 000306, 000307, 000401, 000402, 000500, 000601, 000603, 000604, 000700, 000801, 000802, 000803, 000804, 000901, 000902, 001000, 001100, 001200, 001303, 001304, 001305, 001307, 001308, 001401, 001402, 001403, 001602, 001603, 001604, 001605, 001606, 001712, 001713, 001728, 001729, 001733, 001737, 001738, 001740, 001746, 001747, 001748, 001749, 001750, 001769, 001770, 001772, 001774, 001775, 001776, 001777, 001783, 001901, 001908, 001910, 001911, 001912, 001913, 001914, 001915, 001917, 001918, 001919, 002002, 002003, 002004, 002005, 002104, 002106, 002107, 002108, 002109, 002110, 002111, 002112, 002113, 002201, 002208, 002304, 002307, 002308, 002310, 002312, 002313, 002314, 002315, 002316, 002317, 002318, 002319, 002402, 002403, 002407, 002409, 002410, 002411, 002412, 002413, 002419, 002421, 002422, 002423, 002424, 002425, 002426, 002427, 002428, 002429, 002430, 002431, 002432, 002433, 002434, 002435, 002436 and 980000; and that part of Travis County tract 000101 included in block group 1 and blocks 2009, 2028, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029 and 3030; and that part of Travis County tract 000102 included in blocks 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016 and 2017; and that part of Travis County tract 001503 included in blocks 1017, 1018, 1019, 1020, 1021, 1022, 1027, 1028, 1029, 1030 and 3031; and that part of Travis County tract 001768 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 2123, 2124, 2125, 2126, 2128, 2129, 2130, 2131, 2132, 2133, 2134 and 2135; and that part of Travis County tract 001784 included in blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2021, 2022, 2024, 2025, 2026, 2027, 2028 and 2029; and that part of Travis County tract 001916 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1038, 1042, 1043 and 1044; and that part of Travis County tract 002105 included in block group 1 and blocks 2000, 2001, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 3001, 3002, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021 and 3022; and that part of Travis County tract 002202 included in block groups 1 and 2 and blocks 3005, 3007, 3008, 3012, 3013, 3014, 3015, 3016, 3020, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062 and 3063; and that part of Travis County tract 002207 included in block group 2 and blocks 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027,

1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1053, 1054, 1055, 1056, 1057, 1058, 1059 and 1060; and that part of Travis County tract 002210 included in block 1066; and that part of Travis County tract 002211 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032 and 1033; and that part of Travis County tract 002212 included in block 1043.

SECTION 6. District 6 is composed of Fort Bend County tract 672601; and that part of Fort Bend County tract 672500 included in block group 2; and that part of Fort Bend County tract 672602 included in blocks 2000, 2001, 2002, 2003, 2004 and 2005; and that part of Fort Bend County tract 673002 included in blocks 2017, 2018, 2028 and 2029; and Harris County tracts 210400, 210500, 210600, 210700, 211900, 220200, 220300, 220400, 220600, 220900, 221000, 221100, 221200, 221300, 221400, 221500, 221600, 221700, 221800, 221900, 222000, 222100, 222200, 222300, 222401, 222402, 222501, 222502, 222503, 222600, 222800, 222900, 223001, 223002, 223100, 231700, 232600, 232701, 232702, 233103, 233300, 233500, 233702, 233703, 310500, 310600, 310700, 310800, 310900, 311000, 311100, 311200, 311300, 311400, 311500, 311600, 311700, 311800, 311900, 320100, 320200, 320500, 320601, 320602, 320700, 320800, 320900, 321000, 321300, 321401, 321402, 321500, 321600, 321700, 321800, 321900, 322000, 322100, 322200, 322600, 322700, 322800, 322900, 323000, 323100, 323200, 323300, 323400, 323500, 323600, 323801, 323802, 323900, 324100, 332700, 332800, 332900, 333000, 333100, 333201, 333202, 333300, 333500, 333800, 333902, 334001, 342200, 342400, 411300, 411600, 421101, 421102, 421201, 421202, 421300, 421401, 421402, 421403, 422701, 422702, 422800, 422900, 431900, 432001, 432002, 432100, 432200, 432300, 432400, 432500, 432600, 432701, 432702, 432801, 432802, 432901, 432902, 433001, 433002, 433003, 433100, 433201, 433202, 433300, 433400, 433501, 451700, 451800, 451901, 451902, 452000, 452100, 452201, 452202, 452300, 452400, 452500, 452600, 452801, 452802, 452900, 453000, 453100, 453200, 453601, 454000, 454100, 454200, 454301, 454302, 510600, 510700, 510800, 511002, 511600, 520100, 520200, 520300, 520400, 520500, 520601, 520602, 520700, 521100, 521200, 521300, 521400, 521500, 521600, 521700, 521800, 521900, 522000, 522100, 522201, 522202, 522302, 522401, 522402, 530700, 532300, 532400, 532501, 532502, 533500, 533600, 533702, 533902, 534002, 534003, 534100, 534201, 534202, 534203, 540100, 540200, 540501, 540502, 540601, 540602, 540700, 540800, 541300, 541400, 541500, 541601, 541602, 541700, 541800, 541900, 542000, 542101, 542102, 542200, 542301, 542302, 542400, 543003, 543200, 551000, 551300, 551400, 551500, 551600, 551701, 551702, 551703, 551800, 551900, 552001, 552002, 552101, 552103, 552500 and 980000; and that part of Harris County tract 100000 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1009, 1010, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1033, 1034, 1051, 1052, 1053, 1054, 1055, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3015, 3016, 3017, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3031, 3032, 3033, 3045, 3046 and 3047; and that part of Harris County

tract 210100 included in blocks 1002, 1003, 1004, 1007, 1008, 1009, 1010, 1011, 1012, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1054 and 1055; and that part of Harris County tract 210800 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1046, 1047, 1048, 1049, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1063, 1081, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2050, 2051, 2052, 2053 and 2059; and that part of Harris County tract 211400 included in blocks 2039 and 2040; and that part of Harris County tract 211500 included in block groups 1, 3, 4 and 5 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055 and 2056; and that part of Harris County tract 211600 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054 and 2055; and that part of Harris County tract 212300 included in block groups 1, 2, 4 and 5 and blocks 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3036, 3037, 3038, 3039, 3040, 3065, 3066, 3067, 3068, 3069, 3070, 3076, 3077, 3078, 3079, 3080, 3081, 3082, 3088, 3089, 3090, 3091, 3092, 3093, 3094, 3095, 3096, 3097, 3098, 3099, 3100, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3109, 3110, 3111, 3112, 3113, 3114, 3115, 3116, 3117, 3118, 3119, 3120, 3121, 3122, 3123 and 3124; and that part of Harris County tract 212400 included in block groups 1 and 3 and blocks 2042, 2043, 2044, 2045, 2046, 2047, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2080, 2081, 2082, 2084, 2085, 2086, 2087, 2088 and 2089; and that part of Harris County tract 212500 included in blocks 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3073, 3074, 3075, 3076, 3077, 3078, 3079, 3080, 3081, 3082, 3083, 3084, 3085, 3086, 3087, 3088, 3089, 3090, 3091, 3092, 3093, 3094, 3095, 3096, 3097, 3098, 3099, 3100, 3101, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3109, 3110, 3111, 3112, 3113, 3114, 3115, 3116, 3117, 3118, 3119, 3120, 3121, 3124, 3125, 3142, 3151, 3152, 3163, 3164, 3165, 3166, 3167, 3168, 3169, 3170, 3171, 3172, 3173, 3174, 3175, 3176, 3177, 3178, 3179, 3180, 3181, 3182, 3185, 3186,

3187, 3195, 3196 and 3197; and that part of Harris County tract 220100 included in blocks 1004, 1005, 1006, 1007, 1008, 1009, 1056 and 1057; and that part of Harris County tract 220500 included in block groups 1 and 2 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026 and 3027; and that part of Harris County tract 220700 included in block groups 2 and 5 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1009, 1010, 3000, 3001, 3002, 3003, 3005, 3006, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4010, 4011, 4012, 4013, 4014, 4032, 4033, 4035, 4036, 4037, 4038 and 4039; and that part of Harris County tract 220800 included in blocks 1000, 1001, 1002, 1006, 1007, 1008, 1015, 1016, 1017, 1019, 1020, 1021 and 1025; and that part of Harris County tract 222700 included in blocks 1014, 1015, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1116, 1117, 1118, 1119, 1120, 1133, 1134, 1135, 1137, 1138 and 1139; and that part of Harris County tract 230500 included in block groups 1 and 2 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3042, 3044 and 3049; and that part of Harris County tract 231800 included in blocks 1010, 1011, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023 and 2024; and that part of Harris County tract 232000 included in blocks 2085, 2087, 2088, 2089, 2090, 2094, 2098, 2099, 2102 and 2103; and that part of Harris County tract 232100 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1033, 1034, 2001, 2033, 2035, 2036 and 2041; and that part of Harris County tract 232200 included in blocks 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028, 4029, 4030, 4031, 4032, 4033, 4034, 4035, 4036, 4037, 4038, 4039, 4040, 4041, 4042, 4043, 4044, 4045, 4046, 4047, 4048, 4049, 4050, 4051, 4052, 4053, 4054, 4055, 4056, 4057, 4058, 4065, 4066, 4067, 4068, 4069 and 4070; and that part of Harris County tract 232500 included in blocks 1033, 1034, 1035, 1036, 1037, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1086, 1087, 1088, 1094 and 1114; and that part of Harris County tract 233101 included in block groups 1 and 3 and blocks 2000, 2001, 2002, 2003, 2004, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050 and 2051; and that part of Harris County tract 233102 included in block groups 2 and 3 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1018, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027,

1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046 and 1047; and that part of Harris County tract 233200 included in block groups 2 and 3 and blocks 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012 and 4013; and that part of Harris County tract 233400 included in block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2019, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048 and 2049; and that part of Harris County tract 233701 included in block group 2 and blocks 1000, 1001, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1088, 1089, 1090, 1124, 1132, 1133, 1134, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1187, 1188 and 1189; and that part of Harris County tract 240100 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 2014, 2015, 2016, 2017, 2027, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2060, 2061, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2083, 2084, 2085, 2086, 2087 and 2090; and that part of Harris County tract 241500 included in block group 4 and blocks 3156, 3157, 3158 and 3159; and that part of Harris County tract 252400 included in blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2026, 3043, 3044, 3045, 3046, 3047, 3048 and 3049; and that part of Harris County tract 252500 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1100, 1101, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169,

1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291, 1292, 1293, 1294, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1327, 1328, 1329, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1344, 1345, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1380, 1381, 1382, 1383, 1384, 1385, 1386, 1387, 1388, 1389, 1390, 1391, 1392, 1393, 1394, 1395, 1396, 1397, 1398, 1399, 1400, 1401, 1402, 1403, 1404, 1405, 1406, 1407, 1408, 1409, 1410, 1411, 1412, 1413, 1414, 1415, 1416, 1417, 1418, 1419, 1420, 1421, 1422, 1423, 1424, 1425, 1426, 1427, 1428, 1429, 1430, 1431, 1432, 1433, 1434, 1435, 1436, 1437, 1438, 1439, 1440, 1441, 1442, 1443, 1444, 1445, 1446, 1447, 1448, 1449, 1450, 1451, 1452, 1453, 1454, 1455, 1456, 1457, 1458, 1459, 1460, 1461, 1462, 1463, 1464, 1465, 1466, 1467, 1468, 1469, 1470, 1471, 1472, 1473, 1474, 1475, 1476, 1477, 1478, 1479, 1480, 1481, 1482, 1483, 1484, 1485, 1486, 1487, 1488, 1489, 1490, 1491, 1492, 1493, 1494, 1495, 1496, 1497, 1498, 1499, 1500, 1501, 1502, 1503, 1504, 1505, 1506 and 2089; and that part of Harris County tract 253300 included in block 2017; and that part of Harris County tract 310100 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2074, 2112, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2184 and 2185; and that part of Harris County tract 310300 included in block groups 1, 2, 4, 5 and 6 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3013, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065 and 3066;

and that part of Harris County tract 310400 included in block groups 2 and 3 and blocks 1001, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036 and 1037; and that part of Harris County tract 313300 included in blocks 1011 and 1012; and that part of Harris County tract 313400 included in block 2000; and that part of Harris County tract 321100 included in block groups 2 and 3 and blocks 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132 and 1133; and that part of Harris County tract 321200 included in block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025 and 2028; and that part of Harris County tract 324000 included in blocks 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2109 and 2110; and that part of Harris County tract 324200 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247 and 1248; and that part of Harris County tract 332600 included in blocks 1000, 1001, 1002, 1003, 1004, 1006, 1007, 1008, 1009, 1010, 1011 and 2005; and that part of Harris County tract 333600 included in blocks 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 2001, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3009, 3010, 3011, 3012, 3013, 3014 and 3015; and that part of Harris County tract 333700 included in

block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135 and 2136; and that part of Harris County tract 333901 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1027, 1028, 1029 and 1030; and that part of Harris County tract 334003 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 2000, 2001, 2002, 2003, 2004, 2005, 2008, 2009, 2010, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3008, 3009, 3010, 3011, 3012, 3013, 3025, 3026 and 3027; and that part of Harris County tract 340100 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1040, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071 and 1077; and that part of Harris County tract 342500 included in blocks 1015, 1022, 3002, 3003, 3004 and 3011; and that part of Harris County tract 343600 included in blocks 1001, 1002, 1003, 1012, 1013, 1014, 1021, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291, 1292, 1293, 1294, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1313, 1314, 1315, 1316, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1792, 1793, 1798, 1802, 1803, 1805, 1806, 1807, 1808 and 1809; and that part of Harris County tract 350100 included in blocks 2000, 2001 and 2022; and that part of Harris County tract 411200 included in blocks 1006, 1007, 1008,

1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018 and 1019; and that part of Harris County tract 411400 included in block group 1 and block 2016; and that part of Harris County tract 421500 included in block groups 1, 2 and 4 and blocks 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023 and 3024; and that part of Harris County tract 421600 included in block groups 1, 2 and 4 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009 and 3010; and that part of Harris County tract 421700 included in blocks 1001, 1002 and 1003; and that part of Harris County tract 422500 included in block group 1; and that part of Harris County tract 422600 included in block groups 1, 2 and 4 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3018 and 3020; and that part of Harris County tract 423000 included in block groups 2 and 3 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009 and 1010; and that part of Harris County tract 431801 included in blocks 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 2000, 2001, 2002, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2015, 3006, 3008 and 3009; and that part of Harris County tract 431802 included in block group 2 and blocks 1007 and 1025; and that part of Harris County tract 433502 included in block groups 3 and 4 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1011, 2010 and 2011; and that part of Harris County tract 450100 included in block 1000; and that part of Harris County tract 450200 included in blocks 1000 and 3000; and that part of Harris County tract 450300 included in block 2000; and that part of Harris County tract 450400 included in blocks 1000 and 1001; and that part of Harris County tract 450500 included in blocks 1000, 1001 and 1002; and that part of Harris County tract 452700 included in block groups 1, 2 and 4 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3016, 3017, 3018, 3019, 3020, 3021, 3033, 3034, 3035, 3036, 3037 and 3038; and that part of Harris County tract 453602 included in block groups 1, 2 and 4 and blocks 3002, 3003, 3004, 3008, 3010, 3013, 3014 and 3015; and that part of Harris County tract 453700 included in block group 4 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1010, 1011, 1012, 1014, 2000, 2001, 2002, 2003, 2004, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3042, 3043, 3044, 3045, 3046, 3047 and 3048; and that part of Harris County tract 453900 included in blocks 1005, 1006, 1007, 1008, 1009, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1034, 1035, 1036, 1037 and 1038; and that part of Harris County tract 454400 included in blocks 1000, 1001, 1003, 1034, 1064, 1066, 1087 and 1093; and that part of Harris County tract 510100 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1062, 1063, 1064, 1065, 1066, 1067, 1077 and 1090; and that part of Harris County tract 510200 included in block group 1 and blocks 2000, 2001, 2003, 2004, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2031, 2032, 2033, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055,

2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134 and 2135; and that part of Harris County tract 510300 included in block group 5 and blocks 1000, 1001, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1013, 1014, 1015, 1016, 1017, 1020, 1021, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 2004, 2005, 2010, 2011, 2019, 2020, 2021, 2022, 2023, 2028, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 3004, 3005, 3014, 3015, 3024, 4000, 4003, 4004, 4005, 4006, 4007, 4013, 4014, 4016, 4017, 4018, 4019 and 4020; and that part of Harris County tract 510500 included in blocks 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032 and 2033; and that part of Harris County tract 510900 included in block groups 2 and 3 and blocks 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036 and 1037; and that part of Harris County tract 511001 included in block group 2 and blocks 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019 and 1020; and that part of Harris County tract 511200 included in blocks 2004, 2006, 2010, 2012, 2013, 2016, 2017, 2018, 2026, 2027, 2028, 3005, 3006, 3008, 3010, 3011, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021 and 3022; and that part of Harris County tract 511400 included in blocks 1000, 1001, 1004, 1005, 1006, 1011, 1012, 2000, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2028, 2029, 2030, 2035, 3000, 3001, 3002, 3003, 3004 and 3010; and that part of Harris County tract 511500 included in block groups 1 and 2 and blocks 3000, 3001, 3002, 3005, 3006, 3009, 3010, 3011, 3012, 3018, 3020, 3021, 3022, 3023 and 3024; and that part of Harris County tract 521000 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049 and 1050; and that part of Harris County tract 522301 included in block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2027, 2028, 2029, 2030, 2035 and 2036; and that part of Harris County tract 522500 included in block groups 1, 2 and 4 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022 and 3023; and that part of Harris County tract 530100 included in block groups 1, 2 and 4 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047 and 3048; and that part of Harris County tract

530400 included in blocks 2000, 2003, 2004, 2005, 2034 and 2036; and that part of Harris County tract 530500 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 2000, 2001, 2002, 2003 and 2005; and that part of Harris County tract 530600 included in blocks 1000, 1001, 1002, 1003, 1005 and 1011; and that part of Harris County tract 530800 included in blocks 1000, 1001, 1010, 1011, 1018, 1019, 1020, 1039, 1040 and 1041; and that part of Harris County tract 531200 included in blocks 1000, 1001, 1002, 1005, 1006, 1007, 1010, 1011, 1012, 1013, 1014 and 3014; and that part of Harris County tract 531300 included in block group 3 and blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 2000, 2003, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2037, 2038, 2039, 2040, 2041 and 2042; and that part of Harris County tract 531400 included in blocks 1000, 1001, 1016, 1024, 1025, 1026 and 1027; and that part of Harris County tract 531500 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1016, 1018, 1019, 1023, 3000 and 3002; and that part of Harris County tract 531600 included in blocks 2004, 2005, 2006, 2007, 2008, 2009, 2014, 2015, 2016, 2017, 2018, 2025, 2026, 2032, 2033, 2034 and 2046; and that part of Harris County tract 532100 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1014, 1015, 1016, 3007, 3008, 3009, 3010 and 3011; and that part of Harris County tract 533300 included in block 2027; and that part of Harris County tract 533701 included in block group 2 and blocks 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1026, 1028, 1029, 1030, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3033, 3034 and 3035; and that part of Harris County tract 534001 included in blocks 1024, 1025, 1026, 1046 and 1062; and that part of Harris County tract 540901 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1033, 1034 and 1035; and that part of Harris County tract 540902 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1023, 1024 and 3000; and that part of Harris County tract 541201 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1012, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 2008, 2009, 2017 and 2018; and that part of Harris County tract 541202 included in block group 2 and blocks 1011, 1012, 1013, 1014, 4002, 4003, 4004, 4005, 4006, 4007 and 4008; and that part of Harris County tract 542900 included in blocks 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3047, 3048 and 3052; and that part of Harris County tract 543001 included in block group 2; and that part of Harris County tract 543002 included in blocks 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037 and 1049; and that part of Harris County tract 550700 included in blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046 and 1047; and that part of Harris County tract 550900 included in blocks 2000, 2004 and 2007; and that part of Harris County tract 551200 included in block groups 3 and 4 and blocks 1010, 1011, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1026, 1027, 1028, 1032, 1036, 1037, 1038, 1039, 1041, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016,

2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2034 and 2035; and that part of Harris County tract 552200 included in block group 1 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3050, 3051, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3073, 3074, 3075, 3076, 3077, 3078, 3079, 3080, 3081, 3082, 3083, 3084, 3085, 3086, 3087, 3088, 3089, 3090, 3091, 3092, 3093, 3094, 3095, 3096, 3097, 3098, 3099, 3100, 3101, 3102 and 3103; and that part of Harris County tract 552400 included in blocks 3027, 3028 and 3033; and that part of Harris County tract 552601 included in blocks 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1070, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085 and 1086.

SECTION 7. District 7 is composed of Chambers, Galveston, Hardin, Jasper, Jefferson, Liberty, Newton, Orange, Sabine, San Augustine and Tyler Counties; and Brazoria County tracts 660100, 660200, 660300, 660900, 661000, 661100, 661200, 661300, 661400, 661501, 661502, 661601, 661602, 661700, 661800, 662000, 662100, 662200, 662300, 662400, 662500, 662600, 662700, 662800, 662900, 663000, 663100, 663200, 663300, 663400, 663500, 663600, 663700, 663800, 663900, 664000, 664100, 664200, 664300, 664400, 664501 and 990000; and that part of Brazoria County tract 660602 included in blocks 1070, 1077, 1093 and 1112; and that part of Brazoria County tract 660701 included in blocks 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 5009, 5010, 5011, 5012, 5013, 5014, 5015, 5016, 5017, 5018, 5019, 5020, 5021, 5022, 5024, 5025, 5026, 5027 and 5028; and that part of Brazoria County tract 660702 included in block group 1 and blocks 2012, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2078, 2082, 2083, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2133, 2134, 3011, 3012, 3013, 3015, 3016, 3017, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049 and 3050; and that part of Brazoria County tract 660801 included in blocks 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015 and 1016; and that part of Brazoria County tract 660802

included in blocks 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1035, 1036, 1037, 1038, 2000, 2001, 2007, 2012, 2013, 2014 and 2015; and that part of Brazoria County tract 661900 included in block groups 2, 3 and 4 and blocks 1000, 1055, 1072, 1073, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200 and 1201; and Fort Bend County tracts 671601, 671602, 671700, 672002, 672100, 672200, 672302, 672701, 672702, 672800, 672900, 673001, 673003, 673101, 673102, 673200, 673300, 673400, 673500, 673600, 673700, 673800, 673901, 673902, 674000, 674100, 674200, 674300, 674400, 674601, 674603, 674604, 674700, 674800, 674900, 675000, 675100, 675200, 675300, 675400, 675500, 675600, 675700 and 675800; and that part of Fort Bend County tract 670901 included in blocks 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3017 and 3018; and that part of Fort Bend County tract 671001 included in block groups 1 and 4 and blocks 2022, 2023, 2026, 2027, 2028 and 2029; and that part of Fort Bend County tract 671400 included in block 1019; and that part of Fort Bend County tract 671501 included in block group 2 and blocks 1002, 1004, 1005, 1030, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3022, 3023, 3024, 3025, 3026, 3027, 3028 and 3029; and that part of Fort Bend County tract 671502 included in blocks 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1023, 1024 and 1025; and that part of Fort Bend County tract 671800 included in blocks 2124, 2125, 2126, 2127, 2128, 2129 and 2130; and that part of Fort Bend County tract 671900 included in block groups 2 and 3 and blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010 and 1011; and that part of Fort Bend County tract 672001 included in block groups 1, 2 and 4; and that part of Fort Bend County tract 672301 included in blocks 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1055, 1056 and 1057; and that part of Fort Bend County tract 672500 included in block groups 1 and 3; and that part of Fort Bend County tract 672602 included in block group 1 and blocks 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019 and 2020; and that part of Fort Bend County tract 673002 included in block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045 and 2046; and that part of Fort Bend County tract 674501 included in block 1124; and that part of Fort Bend County tract 674502 included in blocks 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1120, 1121, 1122, 1123, 1125, 1126, 1128, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139,

1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1165, 1166, 1167, 1168, 1260, 1261, 1271, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2065, 2066, 2067, 2068, 2069, 2071, 2072, 2073, 2074 and 2075; and that part of Fort Bend County tract 674602 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094 and 1095; and Harris County tracts 340302, 340400, 340500, 340600, 340700, 340800, 341000, 341100, 341201, 341202, 341301, 341302, 341400, 341501, 341502, 341600, 341700, 350602, 350700, 350801 and 350802; and that part of Harris County tract 340201 included in block group 2 and blocks 1081, 1082, 1128, 1129 and 1130; and that part of Harris County tract 340202 included in blocks 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1023, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037 and 2007; and that part of Harris County tract 340203 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032 and 1033; and that part of Harris County tract 340301 included in blocks 1010, 1011, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024 and 2025; and that part of Harris County tract 340900 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1016, 1017, 1018, 1019 and 1020; and that part of Harris County tract 341800 included in block group 1 and blocks 2000, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013 and 2016; and that part of Harris County tract 343600 included in blocks 2013, 2016, 2027, 2028, 2030, 2031, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2083, 2084, 2085, 2086, 2087, 2088, 2093 and 2094; and that part of Harris County tract 343700 included in blocks 3183, 3184, 3194, 3195, 3196, 3199, 3200, 3201, 3226, 3227, 3228, 3229, 3233, 3234, 3235, 3236, 3237, 3238, 3239, 3240, 3241, 3242 and 3243; and that part of Harris County tract 350100 included in blocks 1001, 1002, 1003, 1004, 1005, 1008, 1009, 1010, 1011, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086,

1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 2028, 2029, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2097, 2098, 2099 and 2100; and that part of Harris County tract 350300 included in block group 3 and blocks 1013, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1026, 1027, 1028, 1029, 1030, 1031, 2001, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 4006, 4007, 4008 and 4009; and that part of Harris County tract 350601 included in block group 2 and blocks 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120 and 1121.

SECTION 8. District 8 is composed of Brazos, Grimes, Houston, Montgomery, Polk, San Jacinto, Trinity and Walker Counties; and Harris County tracts 241101, 241102, 241103, 241200, 241300, 241400, 250701, 250702, 250800, 250900, 251000, 251200, 251300, 251401, 251402, 251501, 251502, 251503, 251600, 251700, 251800, 252700, 430100, 430200, 430300, 430400, 430500, 430600, 430700, 430800, 430900, 431000, 431101, 431102, 431201, 431202, 431301, 431302, 431401, 431402, 431501, 431502, 431600, 431700, 450600, 450700, 450801, 450802, 450900, 451001, 451002, 451100, 451200, 451300, 451401, 451402, 451403, 451500, 451601, 451602, 454501, 454502, 454600, 454700, 454800, 454900, 455000, 455101, 455102, 455200, 455300, 541001, 541002, 541003, 541100, 541203, 542500, 542600, 542700, 542800, 543100, 552102, 552301, 552302, 552602, 552700, 552800, 552900, 553001, 553002, 553401, 553402, 553403, 553500, 553600, 553700, 553801, 553802, 553900, 554001, 554002, 554101, 554102, 554200, 554301, 554302, 554401, 554402, 554403, 554501, 554502, 554600, 554700, 554801, 554802, 554901, 554902, 554903, 555000, 555100, 555200, 555301, 555302, 555303, 555401, 555402, 555501, 555502, 555600, 555701, 555702 and 556000; and that part of Harris County tract 240802 included in blocks 1000 and 1138; and that part of Harris County tract 240901 included in block 1026; and that part of Harris County tract 241000 included in block groups 1, 2 and 3 and blocks 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4030, 4031, 4032, 4033, 4034, 4035, 4036, 4037, 4038 and 4039; and that part of Harris County tract 250401 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069 and 1070; and that part of Harris County tract 250402 included in block groups 2 and 3 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015,

1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1043, 1044, 1045, 1046, 1047, 1048, 1050, 1051, 1056, 1107 and 1115; and that part of Harris County tract 251100 included in block groups 1, 2, 3 and 4 and blocks 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5015, 5016, 5017, 5018, 5019, 5020, 5021, 5022, 5023, 5024, 5025, 5026, 5027, 5033, 5034, 5043, 5044, 5045, 5046 and 5050; and that part of Harris County tract 251901 included in block groups 1 and 3 and blocks 2000, 2001, 2002, 2003, 2004, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028, 4029, 4030, 4031, 4032, 4033, 4034, 4035, 4036, 4037, 4038, 4040, 4041, 4042, 4043, 4044, 4045, 4046, 4047, 4048, 4049, 4050, 4051, 4052, 4053, 4054, 4055, 4056, 4057, 4058 and 4059; and that part of Harris County tract 251902 included in block group 3 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2044, 2045, 2046, 2047 and 2048; and that part of Harris County tract 252000 included in blocks 1004, 1005, 1006 and 1100; and that part of Harris County tract 252100 included in blocks 1065, 1067, 1068, 1069, 1133, 1134 and 1135; and that part of Harris County tract 252600 included in blocks 3000, 3001 and 3508; and that part of Harris County tract 431801 included in blocks 1000, 1001, 1002, 2003, 2004, 2005, 2014, 3000, 3001, 3002, 3003, 3004, 3005 and 3007; and that part of Harris County tract 431802 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023 and 1024; and that part of Harris County tract 450100 included in blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021 and 1022; and that part of Harris County tract 450200 included in block group 2 and blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029 and 3030; and that part of Harris County tract 450300 included in block groups 1, 3 and 4 and blocks 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047 and 2048; and that part of Harris County tract 450400 included in block groups 2 and 3 and blocks 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019,

1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064 and 1065; and that part of Harris County tract 450500 included in block group 2 and blocks 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080 and 1081; and that part of Harris County tract 454400 included in blocks 1002, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1065, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1088, 1089, 1090, 1091, 1092 and 1094; and that part of Harris County tract 521000 included in blocks 1051, 1052 and 1053; and that part of Harris County tract 522301 included in blocks 2025, 2026, 2031, 2032, 2033 and 2034; and that part of Harris County tract 522500 included in blocks 3024, 3025 and 3026; and that part of Harris County tract 540901 included in blocks 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031 and 1032; and that part of Harris County tract 540902 included in blocks 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1025, 1026, 1027, 1028, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3073, 3074, 3075, 3076, 3077, 3078 and 3079; and that part of Harris County tract 541201 included in blocks 1011, 1013, 1014, 1015, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2019 and 2020; and that part of Harris County tract 541202 included in block group 3 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 4000, 4001, 4009, 4010, 4011 and 4012; and that part of Harris County tract 542900 included in block groups 1 and 2 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3045, 3046, 3049, 3050, 3051, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060 and 3061; and that part of Harris County tract 543001 included in block group 1; and that part of Harris County tract 543002 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1038,

1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047 and 1048; and that part of Harris County tract 552200 included in block group 2 and blocks 3046, 3047, 3048, 3049 and 3052; and that part of Harris County tract 552400 included in block groups 1 and 2 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3029, 3030, 3031 and 3032; and that part of Harris County tract 552601 included in blocks 1000, 1001, 1068, 1069 and 1071.

SECTION 9. District 9 is composed of Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Delta, Fannin, Franklin, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Panola, Rains, Red River, Rockwall, Rusk, Shelby, Smith, Titus, Upshur, Van Zandt and Wood Counties.

SECTION 10. District 10 is composed of Austin, Bastrop, Bell, Burleson, Burnet, Colorado, Falls, Fayette, Freestone, Lavaca, Lee, Leon, Limestone, Madison, Milam, Robertson, Waller, Washington and Williamson Counties; and Travis County tracts 001501, 001504, 001505, 001705, 001706, 001707, 001714, 001716, 001718, 001719, 001722, 001741, 001742, 001745, 001751, 001752, 001753, 001754, 001755, 001756, 001757, 001760, 001761, 001764, 001765, 001766, 001771, 001773, 001778, 001779, 001780, 001781, 001782, 001785, 001786, 001804, 001805, 001806, 001811, 001812, 001813, 001817, 001818, 001819, 001820, 001821, 001822, 001823, 001824, 001826, 001828, 001829, 001832, 001833, 001834, 001835, 001839, 001840, 001841, 001842, 001843, 001844, 001845, 001846, 001847, 001848, 001849, 001850, 001851, 001853, 001854, 001855, 001856, 001857, 001858, 001859, 001860, 001861, 001862, 001863, 001864, 002209 and 002500; and that part of Travis County tract 000101 included in blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2029, 2030, 2031, 2032, 2033, 2034, 2035 and 3011; and that part of Travis County tract 000102 included in block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006 and 2007; and that part of Travis County tract 001503 included in block groups 2 and 4 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1023, 1024, 1025, 1026, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029 and 3030; and that part of Travis County tract 001768 included in blocks 1011, 1012, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2127, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162,

2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170 and 2171; and that part of Travis County tract 001784 included in block group 1 and blocks 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2023, 2030, 2031 and 2032; and that part of Travis County tract 001916 included in blocks 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1039, 1040, 1041, 1045 and 1046; and that part of Travis County tract 002105 included in blocks 2002, 2003, 2004, 3000 and 3003; and that part of Travis County tract 002202 included in blocks 3000, 3001, 3002, 3003, 3004, 3006, 3009, 3010, 3011, 3017, 3018, 3019 and 3021; and that part of Travis County tract 002207 included in blocks 1000, 1001, 1002, 1003, 1004, 1028, 1051 and 1052; and that part of Travis County tract 002210 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1067, 1068, 1069 and 1070; and that part of Travis County tract 002211 included in block 1017; and that part of Travis County tract 002212 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073 and 1074.

SECTION 11. District 11 is composed of Parker County; and Dallas County tracts 009603, 009604, 009605, 009607, 009608, 009609, 013500, 013611, 013615, 013616, 013620, 013621, 013622, 013623, 013624, 013625, 013626, 013711, 013712, 013713, 013714, 013715, 013716, 013717, 013718, 013719, 013720, 013721, 013722, 013725, 013726, 013727, 013803, 013804, 013805, 013806, 013901, 013902, 014001, 014002, 014103, 014113, 014114, 014115, 014116, 014119, 014120, 014121, 014123, 014124, 014126, 014127, 014128, 014129, 014130, 014131, 014132, 014133, 014134, 014135, 014136, 014137, 014138, 014203, 014204, 014205, 014206, 014302, 014306, 014307, 014308, 014309, 014310, 014311, 014312, 020000, 020700 and 980000; and that part of Dallas County tract 014403 included in blocks 1001, 1002, 1003 and 1007; and that part of Dallas County tract 014405 included in blocks 1000, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 2008, 2009, 2011, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023 and 3000; and that part of Dallas County tract 014501 included in block groups 1 and 2; and that part of Dallas County tract 014601 included in block group 1; and that part of Dallas County tract 014602 included in blocks 1000, 1004, 1005, 1006, 1007 and 1012; and that part of Dallas County tract 014701 included in block groups 1, 2 and 4 and blocks 3001, 3002, 3004, 3005, 3006, 3007, 3008 and 3009; and that part of Dallas County tract 014702 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 3000, 3001 and 3003; and Tarrant County tracts

100101, 100102, 100502, 100601, 100602, 102100, 102201, 102301, 102302, 102402, 102700, 104201, 104202, 104802, 104900, 105006, 105007, 105008, 105201, 105203, 105204, 105205, 105404, 105406, 105502, 105503, 105505, 105507, 105508, 105510, 105511, 105512, 105513, 105514, 105600, 105701, 105703, 105704, 105800, 106510, 106517, 106518, 106600, 106700, 110101, 110102, 110202, 110203, 110204, 110302, 110401, 110402, 110500, 110600, 110701, 110703, 110704, 110805, 110806, 110807, 110808, 110809, 110901, 110903, 110905, 110906, 110907, 111003, 111005, 111008, 111010, 111011, 111012, 111013, 111015, 111016, 111017, 111018, 111203, 111204, 111301, 111304, 111306, 111307, 111308, 111309, 111311, 111312, 111314, 111402, 111404, 111405, 111406, 111407, 111408, 111409, 111529, 111531, 111532, 111534, 111545, 111546, 111551, 113102, 113104, 113107, 113108, 113109, 113110, 113111, 113112, 113113, 113114, 113115, 113116, 113206, 113207, 113210, 113212, 113213, 113214, 113215, 113216, 113217, 113218, 113220, 113221, 113301, 113302, 113403, 113404, 113405, 113407, 113408, 113509, 113510, 113511, 113512, 113513, 113514, 113516, 113517, 113518, 113519, 113520, 113607, 113610, 113611, 113612, 113613, 113618, 113619, 113622, 113623, 113624, 113625, 113626, 113627, 113628, 113629, 113630, 113631, 113632, 113633, 113634, 113703, 113705, 113707, 113709, 113710, 113711, 113803, 113808, 113809, 113810, 113811, 113812, 113813, 113814, 113815, 113816, 113906, 113907, 113908, 113909, 113910, 113911, 113912, 113916, 113917, 113918, 113919, 113920, 113921, 113922, 113923, 113924, 113925, 113926, 113927, 113928, 113929, 114003, 114005, 114006, 114007, 114008, 114102, 114103, 114104, 114203, 114204, 114205, 114206, 114207, 121608, 121609, 121610, 121611, 123000 and 980000; and that part of Tarrant County tract 100202 included in blocks 2051, 2052 and 2053; and that part of Tarrant County tract 100501 included in blocks 5032, 5034, 5035, 5036, 5037, 5038, 5039, 5040, 5041, 5042, 5045 and 5050; and that part of Tarrant County tract 100700 included in block groups 2, 3, 4 and 5 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1026, 1027 and 1028; and that part of Tarrant County tract 101202 included in blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066 and 2068; and that part of Tarrant County tract 101302 included in block 3024; and that part of Tarrant County tract 102000 included in blocks 1010, 1017, 1018, 1019, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1054, 1055, 1056, 1057, 1058, 1061, 1062, 1063, 1064 and 1071; and that part of Tarrant County tract 102202 included in block groups 2 and 3 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041 and 1042; and that part of Tarrant County tract 102401 included in block groups 1, 2 and 3 and blocks 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4014, 4015, 4016, 4017, 4018 and 4019;

and that part of Tarrant County tract 102601 included in blocks 1000, 1001, 1002 and 2000; and that part of Tarrant County tract 102602 included in block group 3 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025 and 1026; and that part of Tarrant County tract 102800 included in blocks 2021, 2022, 2023, 2024, 2025 and 2026; and that part of Tarrant County tract 104300 included in block groups 2, 4 and 6 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011 and 5013; and that part of Tarrant County tract 104400 included in block group 5 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1011, 1012, 1013 and 1014; and that part of Tarrant County tract 104702 included in block group 2 and blocks 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1056, 1058, 1059, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013 and 3014; and that part of Tarrant County tract 104803 included in blocks 5008 and 5009; and that part of Tarrant County tract 104804 included in block group 1; and that part of Tarrant County tract 105403 included in block groups 2, 3, 4 and 5 and blocks 1021, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044 and 1045; and that part of Tarrant County tract 105405 included in block groups 1 and 2 and blocks 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3073, 3074, 3075, 3076, 3077, 3078, 3079, 3080, 3081, 3082, 3083, 3084, 3085, 3086, 3087, 3088, 3089, 3090, 3091, 3092, 3093, 3094, 3095, 3096 and 3097; and that part of Tarrant County tract 106001 included in block groups 2 and 3; and that part of Tarrant County tract 106004 included in block 2043; and that part of Tarrant County tract 106400 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1013, 1014, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 2011, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066 and 2071; and that part of Tarrant County tract 106509 included in block groups 1 and 2 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027 and 3029; and that part of Tarrant County tract 110301 included in block groups 1 and 2 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3029, 3030, 3031, 3032, 3033, 3034, 3035 and 3036; and that part of Tarrant County tract 111310 included in blocks 1022, 2006, 2007, 2008, 2009, 2010, 2011,

2012, 2013, 2014, 2015, 2016, 2020, 2021, 2022, 2023, 2024, 2027, 3005, 3010, 3011, 3012, 3013, 3014, 3015, 3018, 3019, 3020, 3026 and 3027; and that part of Tarrant County tract 111313 included in block groups 1, 3 and 4 and blocks 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037 and 2038; and that part of Tarrant County tract 111506 included in blocks 1024, 1025, 1026, 1030, 1031, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2030, 2031, 3002, 3003, 3004, 3005, 3006, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 4000, 4001, 4002, 4003, 4004, 4008, 4009, 4010, 4011, 4012 and 4013; and that part of Tarrant County tract 111516 included in blocks 2012, 2013 and 2034; and that part of Tarrant County tract 111525 included in blocks 1042, 1043, 1044, 1050 and 1051; and that part of Tarrant County tract 111526 included in blocks 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008 and 3009; and that part of Tarrant County tract 111530 included in block groups 1 and 3 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2040, 2041, 2042, 2043 and 2045; and that part of Tarrant County tract 111533 included in block group 2; and that part of Tarrant County tract 111549 included in block groups 2 and 3 and blocks 1000, 1018, 1023, 1024, 1025, 1026, 1027, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043 and 1044; and that part of Tarrant County tract 111552 included in block group 3 and blocks 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018 and 2019; and that part of Tarrant County tract 111553 included in block group 2 and blocks 1000, 1001, 1002, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 3003, 3007, 3008, 3009, 3010, 3011 and 3012; and that part of Tarrant County tract 113001 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161 and 1162; and that part of Tarrant County tract 113002 included in blocks 1000, 1001, 1051, 1052 and 1053; and that part of Tarrant County tract 121606 included in block groups 2 and 3 and blocks 1004, 1005, 1006, 1007, 1008, 1009, 1020, 1021, 1022, 1026, 1027, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049,

1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1097, 1098 and 1099; and that part of Tarrant County tract 123200 included in blocks 1000, 1001, 1071, 1072, 1073, 1074 and 1075.

SECTION 12. District 12 is composed of Collin County; and Dallas County tracts 000100, 000201, 000202, 000300, 000605, 000606, 000701, 000702, 001001, 001101, 001102, 001701, 001703, 001704, 001800, 002100, 002200, 003101, 007101, 007301, 007601, 007604, 007605, 007700, 007801, 007804, 007805, 007809, 007810, 007811, 007812, 007815, 007818, 007819, 007820, 007821, 007822, 007823, 007824, 007825, 007826, 007827, 007902, 007903, 007906, 007909, 007910, 007911, 007912, 007913, 007914, 008000, 008100, 008200, 009500, 009702, 012400, 012800, 012900, 013004, 013005, 013007, 013008, 013009, 013010, 013011, 013101, 013102, 013104, 013105, 013200, 013300, 013400, 013605, 013606, 013607, 013608, 013609, 013610, 013617, 013618, 013619, 017003, 017004, 017301, 017303, 017304, 017305, 017306, 017400, 017500, 017604, 017702, 017703, 017704, 017804, 017806, 017807, 017808, 017811, 017812, 017813, 017814, 017900, 018001, 018002, 018104, 018105, 018110, 018111, 018118, 018120, 018121, 018122, 018123, 018124, 018126, 018127, 018128, 018129, 018130, 018132, 018133, 018134, 018135, 018136, 018137, 018138, 018139, 018140, 018141, 018142, 018203, 018204, 018205, 018206, 018300, 018401, 018402, 018403, 018501, 018503, 018505, 018506, 018600, 018700, 018801, 018802, 018900, 019004, 019013, 019014, 019016, 019018, 019019, 019020, 019021, 019023, 019024, 019025, 019026, 019027, 019028, 019029, 019031, 019032, 019033, 019034, 019035, 019036, 019037, 019038, 019039, 019040, 019041, 019042, 019043, 019100, 019202, 019203, 019204, 019205, 019206, 019208, 019210, 019211, 019212, 019213, 019301, 019302, 019400, 019501, 019502, 019600, 019700, 019800 and 020600; and that part of Dallas County tract 000406 included in blocks 5004, 5005, 5014 and 5015; and that part of Dallas County tract 000500 included in blocks 2009, 2010, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025 and 2026; and that part of Dallas County tract 000601 included in block group 1 and blocks 2000, 2006, 2007, 2008, 2009, 2010, 2011, 3000, 3007, 4001 and 5000; and that part of Dallas County tract 000603 included in block groups 1, 2 and 4 and blocks 3001, 3002, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022 and 3023; and that part of Dallas County tract 001202 included in block groups 2 and 3; and that part of Dallas County tract 001204 included in block 1000; and that part of Dallas County tract 001301 included in block groups 2 and 3 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1009, 1010, 1011, 1012, 1013, 1014 and 1015; and that part of Dallas County tract 001400 included in block group 4 and blocks 1000, 1001, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010 and 3017; and that part of Dallas County tract 001502 included in blocks 2002 and 2020; and that part of Dallas County tract 001503 included in blocks 3007, 3008 and 3009; and that part of Dallas County tract 001504 included in blocks 2003 and 4001; and that part of Dallas County tract

001600 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1041, 1042, 1043, 1044, 1046, 1047, 1048, 2037, 2040 and 2043; and that part of Dallas County tract 001900 included in blocks 1000, 1003, 1008, 1009, 1010, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047 and 2048; and that part of Dallas County tract 007102 included in block group 3; and that part of Dallas County tract 007302 included in block groups 1, 2 and 3 and blocks 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007 and 4009; and that part of Dallas County tract 009402 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021 and 1022; and that part of Dallas County tract 012209 included in blocks 1000, 1001, 1002, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1017 and 1018; and that part of Dallas County tract 017001 included in block groups 1, 2, 3 and 5 and blocks 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028, 4029, 4030, 4034, 4035, 4036, 4037, 4038, 4039, 4040, 4041 and 4042; and that part of Dallas County tract 017101 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1037, 1038, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1054, 1055, 1056, 1061, 1062, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055 and 2056; and that part of Dallas County tract 017102 included in blocks 1002, 1003, 1004, 1005, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013 and 2014; and that part of Dallas County tract 017202 included in block group 1 and blocks 4000, 4001, 4009, 4010, 4011, 4012, 4013, 4029, 4030, 4031 and 4033; and that part of Dallas County tract 017602 included in block group 2 and block 1000; and that part of Dallas County tract 017606 included in blocks 3000, 3001, 3002, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3029, 3030, 3033 and 3034; and that part of Dallas County tract 017805 included in block groups 1, 3, 4 and 5; and that part of Dallas County tract 020400 included in blocks 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062,

2063, 2064, 2065, 2066, 2067, 2068, 2069, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2114, 2122, 2123, 2124, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2147, 2148, 2154, 2155, 2156, 2172, 2173, 2174, 2175, 2194, 2195, 2196, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3073, 3074, 3075, 3076, 3077, 3078, 3079, 3080, 3081, 3082, 3083, 3084, 3085, 3086, 3087, 3088, 3089, 3090, 3091, 3092, 3093, 3094, 3095, 3096, 3097, 3098, 3099, 3100, 3101, 3102, 3103, 3104, 3105, 3106 and 3107.

SECTION 13. District 13 is composed of Dallas County tracts 000401, 000404, 000405, 000800, 000900, 001002, 001203, 001302, 002000, 002400, 002500, 002701, 002702, 003400, 003700, 003800, 003901, 003902, 004000, 004100, 004201, 004202, 004300, 004400, 004500, 004600, 004700, 004800, 004900, 005000, 005100, 005200, 005300, 005400, 005500, 005600, 005700, 005901, 005902, 006001, 006002, 006100, 006200, 006301, 006302, 006401, 006402, 006501, 006502, 006700, 006800, 006900, 007201, 007202, 008400, 008500, 008603, 008604, 008701, 008703, 008704, 008705, 008801, 008802, 008900, 009000, 009101, 009103, 009104, 009105, 009201, 009202, 009301, 009303, 009304, 009401, 009610, 009611, 009701, 009802, 009803, 009804, 009900, 010000, 010101, 010102, 010500, 010601, 010602, 010701, 010703, 010704, 010801, 010803, 010804, 010805, 010902, 010903, 010904, 011001, 011002, 011101, 011103, 011104, 011105, 011200, 011300, 011401, 011500, 011601, 011602, 011701, 011702, 011800, 011900, 012000, 012100, 012204, 012206, 012207, 012208, 012210, 012211, 012301, 012302, 012500, 012601, 012603, 012604, 012701, 012702, 014406, 014407, 014408, 014502, 014603, 014703, 014901, 014902, 015000, 015100, 015202, 015204, 015205, 015206, 015303, 015304, 015305, 015306, 015401, 015403, 015404, 015500, 015600, 015700, 015800, 015900, 016001, 016002, 016100, 016201, 016202, 016301, 016302, 016401, 016406, 016407, 016408, 016409, 016410, 016411, 016412, 016413, 016502, 016509, 016510, 016511, 016513, 016514, 016516, 016517, 016518, 016519, 016520, 016521, 016522, 016523, 016605, 016606, 016607, 016610, 016611, 016612, 016615, 016616, 016617, 016618, 016619, 016620, 016621, 016622, 016623, 016624, 016625, 016626, 016701, 016703, 016704, 016705, 016802, 016803, 016804, 016902, 016903, 017201, 017605, 019900, 020100, 020200, 020300, 020500 and 980100; and that part of Dallas County tract 000406 included in block groups 1, 2, 3 and 4 and blocks 5000, 5001, 5002, 5003, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5016, 5017, 5018, 5019, 5020, 5021, 5022, 5023, 5024, 5025, 5026, 5027, 5028, 5029, 5030, 5031, 5032, 5033, 5034, 5035, 5036, 5037, 5038, 5039, 5040, 5041, 5042, 5043, 5044, 5045, 5046, 5047, 5048, 5049, 5050, 5051, 5052, 5053, 5054, 5055, 5056, 5057, 5058, 5059 and 5060; and that part of Dallas County tract 000500 included in block groups 1, 3 and 4 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2011, 2012, 2013, 2014, 2015,

2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046 and 2047; and that part of Dallas County tract 000601 included in blocks 2001, 2002, 2003, 2004, 2005, 3001, 3002, 3003, 3004, 3005, 3006, 3008, 3009, 3010, 3011, 3012, 4000, 4002, 4003, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009 and 5010; and that part of Dallas County tract 000603 included in blocks 3000 and 3003; and that part of Dallas County tract 001202 included in block group 1; and that part of Dallas County tract 001204 included in block group 2 and blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014 and 1015; and that part of Dallas County tract 001301 included in blocks 1008, 1016, 1017, 1018, 1019 and 1020; and that part of Dallas County tract 001400 included in block group 2 and blocks 1002, 1003, 1004, 1005, 1006, 1007, 3011, 3012, 3013, 3014, 3015, 3016, 3018, 3019, 3020 and 3021; and that part of Dallas County tract 001502 included in block groups 1, 3 and 4 and blocks 2000, 2001, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018 and 2019; and that part of Dallas County tract 001503 included in block groups 1 and 2 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006 and 3010; and that part of Dallas County tract 001504 included in block groups 1 and 3 and blocks 2000, 2001, 2002, 4000, 4002, 4003, 4004 and 4005; and that part of Dallas County tract 001600 included in blocks 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1039, 1040, 1045, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2038, 2039, 2041 and 2042; and that part of Dallas County tract 001900 included in blocks 1001, 1002, 1004, 1005, 1006, 1007, 1011, 1012, 1013, 2000, 2001, 2002, 2003, 2004 and 2012; and that part of Dallas County tract 007102 included in block groups 1, 2, 4 and 5; and that part of Dallas County tract 007302 included in block 4008; and that part of Dallas County tract 009402 included in blocks 1023 and 1024; and that part of Dallas County tract 012209 included in block group 2 and blocks 1003, 1014, 1015 and 1016; and that part of Dallas County tract 014403 included in block groups 2 and 3 and blocks 1000, 1004, 1005, 1006, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018 and 1019; and that part of Dallas County tract 014405 included in blocks 1001, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2010, 2012, 3001, 3002, 3003, 3004, 3005, 3006, 3007 and 3008; and that part of Dallas County tract 014501 included in block group 3; and that part of Dallas County tract 014601 included in block group 2; and that part of Dallas County tract 014602 included in block groups 2 and 3 and blocks 1001, 1002, 1003, 1008, 1009, 1010 and 1011; and that part of Dallas County tract 014701 included in blocks 3000 and 3003; and that part of Dallas County tract 014702 included in blocks 1012, 1013, 1014, 1015, 1016, 1017, 1018, 3002, 3004 and 3005; and that part of Dallas County tract 017001 included in blocks 4031, 4032 and 4033; and that part of Dallas County tract 017101 included in blocks 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1039, 1050, 1051, 1052, 1053, 1057, 1058, 1059, 1060, 2040 and 2041; and that part of Dallas County tract 017102 included in blocks 1000, 1001, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 2000, 2001, 2002, 2003, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029,

2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081 and 2082; and that part of Dallas County tract 017202 included in block groups 2 and 3 and blocks 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028 and 4032; and that part of Dallas County tract 017602 included in blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048 and 1049; and that part of Dallas County tract 017606 included in block groups 1 and 2 and blocks 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3025, 3026, 3027, 3028, 3031 and 3032; and that part of Dallas County tract 017805 included in block group 2; and that part of Dallas County tract 020400 included in block group 1 and blocks 2000, 2001, 2070, 2094, 2095, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2125, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2149, 2150, 2151, 2152, 2153, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2197 and 3108; and Tarrant County tracts 100201, 100300, 100400, 100800, 100900, 101201, 101301, 101401, 101402, 101403, 101500, 101700, 102500, 103500, 103601, 103602, 103701, 103702, 103800, 104100, 104502, 104503, 104504, 104505, 104601, 104602, 104603, 104604, 104605, 104701, 105001, 105901, 105902, 106002, 106101, 106102, 106201, 106202, 106300, 106502, 106503, 106507, 106511, 106512, 106513, 106514, 106515, 106516, 111102, 111103, 111104, 111202, 111505, 111513, 111514, 111521, 111522, 111523, 111524, 111536, 111537, 111538, 111539, 111540, 111541, 111542, 111543, 111544, 111547, 111548, 111550, 121601, 121604, 121605, 121702, 121703, 121704, 121903, 121904, 121905, 121906, 122001, 122002, 122100, 122200, 122300, 122400, 122500, 122600, 122700, 122801, 122802, 122900, 123100, 123300, 123400, 123500 and 123600; and that part of Tarrant County tract 100202 included in block groups 1 and 3 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063 and 2064; and that part of Tarrant County tract 100501 included in block groups 1, 2, 3 and 4 and blocks 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5014, 5015, 5016, 5017, 5018, 5019, 5020, 5021, 5022, 5023, 5024, 5025, 5026, 5027, 5028, 5029, 5030, 5031, 5033, 5043, 5044, 5046, 5047, 5048, 5049, 5051, 5052, 5053, 5054, 5055, 5056, 5057, 5058, 5059, 5060 and 5061; and that part of Tarrant County tract 100700 included in blocks 1011, 1012, 1013, 1014 and 1025; and that part of Tarrant County tract 101202 included in block groups 1 and 3 and blocks 2058, 2067, 2069, 2070, 2071, 2072,

2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089 and 2090; and that part of Tarrant County tract 101302 included in block groups 1 and 2 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023 and 3025; and that part of Tarrant County tract 102000 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1011, 1012, 1013, 1014, 1015, 1016, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1052, 1053, 1059, 1060, 1065, 1066, 1067, 1068, 1069 and 1070; and that part of Tarrant County tract 102202 included in block 1043; and that part of Tarrant County tract 102401 included in blocks 4000, 4001, 4010, 4011, 4012 and 4013; and that part of Tarrant County tract 102601 included in block group 3 and blocks 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027 and 2028; and that part of Tarrant County tract 102602 included in block group 2 and blocks 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052 and 1053; and that part of Tarrant County tract 102800 included in block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019 and 2020; and that part of Tarrant County tract 104300 included in blocks 1020, 3013, 3021, 5000, 5001 and 5012; and that part of Tarrant County tract 104400 included in block groups 2, 3 and 4 and blocks 1009, 1010, 1015, 1016, 1017, 1018, 1019 and 1020; and that part of Tarrant County tract 104702 included in blocks 1000, 1001, 1002, 1003, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1057 and 3000; and that part of Tarrant County tract 104803 included in block groups 1, 2, 3 and 4 and blocks 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5010, 5011, 5012, 5013, 5014, 5015, 5016, 5017, 5018, 5019 and 5020; and that part of Tarrant County tract 104804 included in block group 2; and that part of Tarrant County tract 105403 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1022, 1023, 1024, 1025, 1026 and 1027; and that part of Tarrant County tract 105405 included in blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014 and 3015; and that part of Tarrant County tract 106001 included in block groups 1 and 4; and that part of Tarrant County tract 106004 included in block groups 1, 3 and 4 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041 and 2042; and that part of Tarrant County tract 106400 included in blocks 1012, 1015, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2012, 2013, 2014, 2015, 2016, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2067, 2068, 2069, 2070, 2072, 2073 and 2074; and that part of Tarrant County

tract 106509 included in blocks 3028, 3030, 3031, 3032, 3033, 3034, 3035 and 3036; and that part of Tarrant County tract 110301 included in blocks 3026, 3027, 3028, 3037, 3038 and 3039; and that part of Tarrant County tract 111310 included in block group 4 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 2000, 2001, 2002, 2003, 2004, 2005, 2017, 2018, 2019, 2025, 2026, 2028, 3000, 3001, 3002, 3003, 3004, 3006, 3007, 3008, 3009, 3016, 3017, 3021, 3022, 3023, 3024 and 3025; and that part of Tarrant County tract 111313 included in blocks 2000 and 2001; and that part of Tarrant County tract 111506 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1027, 1028, 1029, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 3000, 3001, 3007, 3008, 3030, 4005, 4006, 4007, 4014 and 4015; and that part of Tarrant County tract 111516 included in block groups 1 and 3 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046 and 2047; and that part of Tarrant County tract 111525 included in block groups 2, 3 and 4 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1045, 1046, 1047, 1048 and 1049; and that part of Tarrant County tract 111526 included in block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2017, 2018, 2019, 2020, 2021, 2022 and 3000; and that part of Tarrant County tract 111530 included in blocks 2034, 2035, 2036, 2037, 2038, 2039 and 2044; and that part of Tarrant County tract 111533 included in block group 1; and that part of Tarrant County tract 111549 included in blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1019, 1020, 1021, 1022, 1028, 1029, 1030 and 1031; and that part of Tarrant County tract 111552 included in block group 1 and blocks 2000 and 2001; and that part of Tarrant County tract 111553 included in blocks 1003, 3000, 3001, 3002, 3004, 3005 and 3006; and that part of Tarrant County tract 113001 included in blocks 1117 and 1118; and that part of Tarrant County tract 113002 included in block groups 2, 3 and 4 and blocks 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171,

1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204 and 1205; and that part of Tarrant County tract 121606 included in blocks 1000, 1001, 1002, 1003, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1023, 1024, 1025, 1028 and 1096; and that part of Tarrant County tract 123200 included in block group 2 and blocks 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1271, 1272 and 1273.

SECTION 14. District 14 is composed of Bosque, Brown, Comanche, Coryell, Denton, Eastland, Ellis, Erath, Hamilton, Hill, Hood, Jack, Johnson, Lampasas, McLennan, Mills, Navarro, Palo Pinto, Somervell, Stephens and Wise Counties.

SECTION 15. District 15 is composed of Andrews, Archer, Armstrong, Bailey, Baylor, Borden, Briscoe, Callahan, Carson, Castro, Childress, Clay, Cochran, Coke, Coleman, Collingsworth, Cooke, Cottle, Crosby, Dallam, Dawson, Deaf Smith, Dickens, Donley, Fisher, Floyd, Foard, Gaines, Garza, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Haskell, Hemphill, Hockley, Howard, Hutchinson, Jones, Kent, King, Knox, Lamb, Lipscomb, Lubbock, Lynn, Martin, Midland, Mitchell, Montague, Moore, Motley, Nolan, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Runnels, Scurry, Shackelford, Sherman, Sterling, Stonewall, Swisher, Taylor, Terry, Throckmorton, Tom Green, Wheeler, Wichita, Wilbarger, Yoakum and Young Counties.

The amendment to **CSHB 600** was read.

On motion of Senator Seliger, Floor Amendment No. 2 was tabled by the following vote: Yeas 19, Nays 12.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Wentworth, Williams.

Nays: Davis, Ellis, Gallegos, Hinojosa, Lucio, Rodriguez, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

CSHB 600 was passed to third reading by the following vote: Yeas 28, Nays 3.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Patrick, Watson.

COMMITTEE SUBSTITUTE HOUSE BILL 600 ON THIRD READING

Senator Seliger moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 600** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 4.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Patrick, Watson, Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSHB 600**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSHB 600** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 28, Nays 3.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Patrick, Watson.

SENATE BILL 615 ON SECOND READING

On motion of Senator Rodriguez and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 615** at this time on its second reading:

SB 615, Relating to requiring a retail seller of motor vehicle tires to render certain tires unusable; providing a civil penalty.

The bill was read second time.

Senator Hinojosa offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 615** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Title 6, Business & Commerce Code, is amended by adding Chapter 205 to read as follows:

CHAPTER 205. REQUIREMENTS FOR CERTAIN PERSONS THAT GENERATE OR TRANSPORT SCRAP TIRES

Sec. 205.001. DEFINITIONS. In this chapter:

- (1) "Commission" means the Texas Commission on Environmental Quality.
- (2) "Scrap tire" means a tire that can no longer be used for the tire's original intended purpose.
- (3) "Scrap tire generator" means a person that generates scrap tires. The term includes a tire dealer, junkyard, or fleet operator.
- (4) "Scrap tire transporter" means a person that:
 - (A) collects scrap tires from another person for the purpose of removal to a scrap tire processor, end user, or disposal facility; and
 - (B) is required to register with the commission as a scrap tire transporter.

Sec. 205.002. BOND REQUIRED FOR SCRAP TIRE TRANSPORTER. (a) A scrap tire transporter shall file with the commission a bond issued by a surety company authorized to transact business in this state.

(b) The principal amount of the bond must equal at least \$100,000.

(c) The bond must be payable to the state and conditioned on compliance with this chapter and any rules adopted under this chapter.

Sec. 205.003. STORAGE OF SCRAP TIRES. A scrap tire generator that stores scrap tires outdoors on its business premises shall store the scrap tires in a fully enclosed area or container that may be made secure by locking.

Sec. 205.004. RULES. The commission may adopt rules to implement this chapter.

Sec. 205.005. CIVIL PENALTY. (a) A person that violates this chapter is subject to a civil penalty in an amount not to exceed \$500 for each violation. A separate penalty may be imposed for each day a violation occurs.

(b) The attorney general or the appropriate district or county attorney may bring an action against a person under this section in the name of the state in a district court in the county in which:

(1) the person resides; or

(2) the person's principal place of business is located.

The amendment to **SB 615** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Rodriguez and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

SB 615 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 615 ON THIRD READING

Senator Rodriguez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 615** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 615**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 615** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 152 ON THIRD READING

Senator Huffman moved to suspend the regular order of business to take up for consideration **SB 152** at this time on its third reading and final passage:

SB 152, Relating to the admissibility of evidence of other similar offenses in the prosecution of certain sexual offenses.

The motion prevailed by the following vote: Yeas 22, Nays 9.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Uresti, Van de Putte, Wentworth, Williams, Zaffirini.

Nays: Davis, Ellis, Gallegos, Hinojosa, Lucio, Rodriguez, Watson, West, Whitmire.

The bill was read third time.

Senator Huffman offered the following amendment to the bill:

Floor Amendment No. 1 on Third Reading

Amend **SB 152** (senate committee report) on third reading as follows:

(1) In SECTION 1 of the bill (page 1, lines 38-45), by striking Subsection (1) and renumber the subsequent subsection of added Section 2, of amended Article 38.37, Code of Criminal Procedure, accordingly.

The amendment to **SB 152** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 on Third Reading.

On motion of Senator Huffman and by unanimous consent, the caption was again amended to conform to the body of the bill as amended.

SB 152 as again amended was finally passed by the following vote: Yeas 23, Nays 8.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Hinojosa, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Uresti, Van de Putte, Wentworth, Williams, Zaffirini.

Nays: Davis, Ellis, Gallegos, Lucio, Rodriguez, Watson, West, Whitmire.

(President Pro Tempore Ogden in Chair)

COMMITTEE SUBSTITUTE SENATE BILL 1811 ON SECOND READING

Senator Duncan moved to suspend the regular order of business to take up for consideration **CSSB 1811** at this time on its second reading:

CSSB 1811, Relating to state fiscal matters; providing penalties.

The motion prevailed by the following vote: Yeas 23, Nays 8.

Yeas: Davis, Deuell, Duncan, Ellis, Eltife, Estes, Gallegos, Hegar, Hinojosa, Lucio, Nichols, Ogden, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Carona, Fraser, Harris, Huffman, Jackson, Nelson, Patrick.

The bill was read second time.

Senator Duncan offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1811** (Senate committee printing) as follows:

- (1) Strike ARTICLE 5 of the bill (page 4, line 44, through page 5, line 17).
- (2) Strike ARTICLE 13 of the bill (page 12, line 10, through page 13, line 25).
- (3) Renumber remaining ARTICLES and SECTIONS of the bill accordingly.

The amendment to **CSSB 1811** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

Senator Duncan offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 1811** (Senate committee printing) in SECTION 16.01 of the bill by striking added Section 171.153(a), Tax Code (page 14, line 68, through page 15, line 5), and substituting the following:

(a) For purposes of this section, "large taxable entity" means a taxable entity that:

- (1) on July 31, 2013, is doing business in this state;
- (2) has total revenue from its entire business for the regular annual period covered by the report originally due May 15, 2012, that exceeds the maximum amount of total revenue prescribed by Section 171.1016 that would allow the taxable entity to elect to pay the tax in the amount computed as prescribed by that section; and
- (3) is required by rules adopted by the comptroller to make the taxable entity's tax payment for the regular annual period for which a report is originally due May 15, 2013, regardless of the date the taxable entity actually files the report, by electronic funds transfer.

The amendment to **CSSB 1811** was read and was adopted by the following vote: Yeas 31, Nays 0.

VOTE RECONSIDERED

On motion of Senator Fraser and by unanimous consent, the vote by which Floor Amendment No. 2 was adopted was reconsidered.

Question — Shall Floor Amendment No. 2 to **CSSB 1811** be adopted?

Senator Fraser offered the following amendment to Floor Amendment No. 2:

Floor Amendment No. 3

Amend Floor Amendment No. 2 by Duncan to **CSSB 1811** (senate committee printing) by striking the text of the amendment and substituting the following:

Amend **CSSB 1811** (senate committee printing) by striking ARTICLE 16 of the bill and renumbering accordingly.

The amendment to Floor Amendment No. 2 to **CSSB 1811** was read.

On motion of Senator Duncan, Floor Amendment No. 3 was tabled by the following vote: Yeas 24, Nays 7.

Yeas: Davis, Deuell, Duncan, Ellis, Eltife, Estes, Gallegos, Harris, Hegar, Hinojosa, Lucio, Nichols, Ogden, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Carona, Fraser, Huffman, Jackson, Nelson, Patrick.

Question recurring on the adoption of Floor Amendment No. 2 to **CSSB 1811**, the amendment was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 2.

Senator Duncan offered the following amendment to the bill:

Floor Amendment No. 4

Amend **CSSB 1811** (senate committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES of the bill accordingly:

ARTICLE ____ . STATE PURCHASING

SECTION ____ .01. Section 2155.082, Government Code, is amended to read as follows:

Sec. 2155.082. PROVIDING CERTAIN PURCHASING SERVICES ON FEE-FOR-SERVICE BASIS OR THROUGH BENEFIT FUNDING. (a) The comptroller [~~commission~~] may provide open market purchasing services on a fee-for-service basis for state agency purchases that are delegated to an agency under Section 2155.131, 2155.132, [~~2155.133,~~] or 2157.121 or that are exempted from the purchasing authority of the comptroller [~~commission~~]. The comptroller [~~commission~~] shall set the fees in an amount that recovers the comptroller's [~~commission's~~] costs in providing the services.

(b) The comptroller [~~commission~~] shall publish a schedule of [~~its~~] fees for services that are subject to this section. The schedule must include the comptroller's [~~commission's~~] fees for:

- (1) reviewing bid and contract documents for clarity, completeness, and compliance with laws and rules;
- (2) developing and transmitting invitations to bid;
- (3) receiving and tabulating bids;
- (4) evaluating and determining which bidder offers the best value to the state;
- (5) creating and transmitting purchase orders; and
- (6) participating in agencies' request for proposal processes.

(c) The comptroller may engage a consultant to assist with a particular procurement on behalf of a state agency and pay the consultant from the cost savings realized by the state agency.

The amendment to **CSSB 1811** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 4.

Senator West offered the following amendment to the bill:

Floor Amendment No. 5

Amend **CSSB 1811** (senate committee report) as follows:

(1) On page 4, line 44, add a new ARTICLE 5 as follows:

ARTICLE 5. PROPERTY REDEVELOPMENT AND TAX ABATEMENT

SECTION 5.01. Section 312.204, Tax Code, is amended to read as follows:

Sec. 312.204. MUNICIPAL TAX ABATEMENT AGREEMENT. (a) The governing body of a municipality eligible to enter into tax abatement agreements under Section 312.002 may agree in writing with the owner of taxable real property that is located in a reinvestment zone, but that is not in an improvement project financed by tax increment bonds, to exempt from taxation a portion of the value of the real property or of tangible personal property located on the real property, or both, for a period not to exceed 10 years, on the condition that the owner of the property make specific improvements or repairs to the property. The governing body of an eligible municipality may agree in writing with the owner of a leasehold interest in tax-exempt or taxable real property that is located in a reinvestment zone, but that is not in an improvement project financed by tax increment bonds, to exempt a portion of the value of property subject to ad valorem taxation, including the leasehold interest, improvements, or tangible personal property located on the real property, for a period not to exceed 10 years, on the condition that the owner of the leasehold interest make specific improvements or repairs to the real property. A tax abatement agreement under this section is subject to the rights of holders of outstanding bonds of the municipality. An agreement exempting taxable real property or leasehold interests or improvements on tax-exempt real property may provide for the exemption of such taxable interests in each year covered by the agreement only to the extent its value for that year exceeds its value for the year in which the agreement is executed. An agreement exempting tangible personal property located on taxable or tax-exempt real property may provide for the exemption of tangible personal property located on the real property in each year covered by the agreement other than tangible personal property that was located on the real property at any time before the period covered by the agreement with the municipality, including inventory and supplies. In a municipality that has a comprehensive zoning ordinance, an improvement, repair, development, or redevelopment taking place under an agreement under this section must conform to the comprehensive zoning ordinance.

(2) Renumber SECTIONS of the bill appropriately.

The amendment to **CSSB 1811** was read.

Senator West withdrew Floor Amendment No. 5.

Senator Fraser offered the following amendment to the bill:

Floor Amendment No. 6

Amend **CSSB 1811** (Senate committee printing) in SECTION 12.01 of the bill, in amended Section 154.052(a), Tax Code (page 11, line 67) by striking "one" and substituting "two".

The amendment to **CSSB 1811** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 6.

Senator Hinojosa, on behalf of Senator Ogden, offered the following amendment to the bill:

Floor Amendment No. 7

Amend **CSSB 1811** (Senate committee printing) in ARTICLE 19 of the bill as follows:

(1) In SECTION 19.01 of the article, in added Section 403.105(b-1), Government Code (page 19, lines 32 through 33), strike "The legislature may appropriate money in the fund, including the available earnings" and substitute "Notwithstanding the limitations and requirements of Section 403.1068, the legislature may appropriate money in the fund, including the corpus and available earnings".

(2) In SECTION 19.02 of the article, in added Section 403.1055(b-1), Government Code (page 19, lines 45 through 46), strike "The legislature may appropriate money in the fund, including the available earnings" and substitute "Notwithstanding the limitations and requirements of Section 403.1068, the legislature may appropriate money in the fund, including the corpus and available earnings".

(3) In SECTION 19.03 of the article, in added Section 403.106(b-1), Government Code (page 19, lines 58 through 59), strike "The legislature may appropriate money in the fund, including the available earnings" and substitute "Notwithstanding the limitations and requirements of Section 403.1068, the legislature may appropriate money in the fund, including the corpus and available earnings".

The amendment to **CSSB 1811** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 7.

Senator Rodriguez offered the following amendment to the bill:

Floor Amendment No. 8

Amend **CSSB 1811** (senate committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ FISCAL MATTERS REGARDING BASIC CIVIL LEGAL SERVICES, INDIGENT DEFENSE, AND JUDICIAL TECHNICAL SUPPORT

SECTION ____ .01. Subchapter A, Chapter 22, Government Code, is amended by adding Section 22.016 to read as follows:

Sec. 22.016. JUDICIAL ACCESS AND IMPROVEMENT ACCOUNT. (a) The judicial access and improvement account is an account in the general revenue fund.

(b) Subject to Subsection (d), money in the judicial access and improvement account shall be appropriated only as provided by this section. The supreme court may use an amount determined by the supreme court, which annually may not exceed \$1 million, to phase in electronic filing and retrieval in courts in this state. The remainder of the money in the account shall be divided as follows:

(1) an amount equal to 70 percent of the remainder shall be deposited to the credit of the basic civil legal services account of the judicial fund established under Section 51.943 for use in programs approved by the supreme court that provide basic civil legal services to indigents; and

(2) an amount equal to 30 percent of the remainder shall be deposited to the credit of the fair defense account established under Section 71.058.

(c) The supreme court in consultation with the judicial committee on information technology may enter into an agreement with the Office of Court Administration of the Texas Judicial System to implement the electronic filing and retrieval in courts of this state authorized under Subsection (b), including acquiring the necessary technology, software, and data storage.

(d) The comptroller may retain two percent of the money remitted to the comptroller for deposit in the judicial access and improvement account. The comptroller shall use the money to audit and administer fund balances and to ensure the timely deposit of money in accounts as required by this section.

(e) Section 403.095 does not apply to money dedicated under this section.

SECTION __.02. Section 101.0615, Government Code, is amended to read as follows:

Sec. 101.0615. DISTRICT COURT FEES AND COSTS: LOCAL GOVERNMENT CODE. The clerk of a district court shall collect fees and costs under the Local Government Code as follows:

(1) additional filing fees:

(A) for each civil suit filed, for court-related purposes for the support of the judiciary and for civil legal services to an indigent:

(i) for family law cases and proceedings as defined by Section 25.0002, Government Code (Sec. 133.151, Local Government Code) . . . \$45; or

(ii) for any case other than a case described by Subparagraph (i) (Sec. 133.151, Local Government Code) . . . \$50; and

(B) on the filing of any civil action or proceeding requiring a filing fee, including an appeal, and on the filing of any counterclaim, cross-action, intervention, interpleader, or third-party action requiring a filing fee, to fund civil legal services for the indigent:

(i) for family law cases and proceedings as defined by Section 25.0002, Government Code (Sec. 133.152, Local Government Code) . . . \$15 [~~\$5~~]; or

(ii) for any case other than a case described by Subparagraph (i) (Sec. 133.152, Local Government Code) . . . \$20 [~~\$10~~];

(2) additional filing fee to fund the courthouse security fund, if authorized by the county commissioners court (Sec. 291.008, Local Government Code) . . . not to exceed \$5;

(3) additional filing fee for filing documents not subject to certain filing fees to fund the courthouse security fund, if authorized by the county commissioners court (Sec. 291.008, Local Government Code) . . . \$1;

(4) additional filing fee to fund the courthouse security fund in Webb County, if authorized by the county commissioners court (Sec. 291.009, Local Government Code) . . . not to exceed \$20;

(5) court cost in civil cases other than suits for delinquent taxes to fund the county law library fund, if authorized by the county commissioners court (Sec. 323.023, Local Government Code) . . . not to exceed \$35; and

(6) on the filing of a civil suit, an additional filing fee to be used for court-related purposes for the support of the judiciary (Sec. 133.154, Local Government Code) . . . \$42.

SECTION __.03. Subchapter F, Chapter 102, Government Code, is amended by adding Section 102.1035 to read as follows:

Sec. 102.1035. ADDITIONAL COURT COSTS ON CONVICTION IN JUSTICE COURT: LOCAL GOVERNMENT CODE. A clerk of a justice court shall collect from a defendant a court cost of \$5 under Section 133.108, Local Government Code, on conviction of an offense, other than an offense relating to a pedestrian or the parking of a motor vehicle.

SECTION __.04. Subchapter G, Chapter 102, Government Code, is amended by adding Section 102.1215 to read as follows:

Sec. 102.1215. ADDITIONAL COURT COSTS ON CONVICTION IN MUNICIPAL COURT: LOCAL GOVERNMENT CODE. A clerk of a municipal court shall collect from a defendant a court cost of \$5 under Section 133.108, Local Government Code, on conviction of an offense, other than an offense relating to a pedestrian or the parking of a motor vehicle.

SECTION __.05. Subchapter B, Chapter 403, Government Code, is amended by adding Section 403.0306 to read as follows:

Sec. 403.0306. FEES AND COSTS ASSESSED FOR JUDICIAL ACCESS AND IMPROVEMENT ACCOUNT. Notwithstanding any other law, if in any state fiscal biennium the legislature:

(1) does not appropriate any money to the judicial access and improvement account for the purposes provided by Section 22.016:

(A) the comptroller and the office of court administration shall notify each clerk of a justice or municipal court, as appropriate, not to assess fees and court costs under Sections 102.1035 and 102.1215 of this code and Section 133.108, Local Government Code, during the state fiscal biennium; and

(B) a clerk of a justice or municipal court may not assess fees and court costs under Sections 102.1035 and 102.1215 of this code and Section 133.108, Local Government Code, during the state fiscal biennium; or

(2) appropriates only a portion of the money to the judicial access and improvement account for the purposes provided by Section 22.016:

(A) the comptroller and the office of court administration shall:

(i) proportionally adjust the amount of the fees and court costs to be assessed under Sections 102.1035 and 102.1215 of this code and Section 133.108, Local Government Code, during the state fiscal biennium; and

(ii) notify each clerk of a justice or municipal court, as appropriate, of the amount of the fees and court costs to be assessed under Sections 102.1035 and 102.1215 of this code and Section 133.108, Local Government Code, during the state fiscal biennium; and

(B) a clerk of a justice or municipal court shall assess the amount of the fees and court costs determined by the comptroller under Paragraph (A) during the state fiscal biennium.

SECTION __.06. Section 133.003, Local Government Code, is amended to read as follows:

Sec. 133.003. CRIMINAL FEES. This chapter applies to the following criminal fees:

- (1) the consolidated fee imposed under Section 133.102;
- (2) the time payment fee imposed under Section 133.103;
- (3) fees for services of peace officers employed by the state imposed under Article 102.011, Code of Criminal Procedure, and forwarded to the comptroller as provided by Section 133.104;
- (4) costs on conviction imposed in certain statutory county courts under Section 51.702, Government Code, and deposited in the judicial fund;
- (5) costs on conviction imposed in certain county courts under Section 51.703, Government Code, and deposited in the judicial fund;
- (6) the administrative fee for failure to appear or failure to pay or satisfy a judgment imposed under Section 706.006, Transportation Code;
- (7) fines on conviction imposed under Section 621.506(g), Transportation Code;
- (8) the fee imposed under Article 102.0045, Code of Criminal Procedure;
- (9) the cost on conviction imposed under Section 133.105 and deposited in the judicial fund; ~~and~~
- (10) the cost on conviction imposed under Section 133.107; and
- (11) the cost on conviction imposed under Section 133.108.

SECTION __.07. Section 133.058, Local Government Code, is amended by adding Subsection (c-1) to read as follows:

(c-1) A municipality or county may retain five percent of the money collected as a fee under Section 133.108 to be used for judicial support.

SECTION __.08. Subchapter C, Chapter 133, Local Government Code, is amended by adding Section 133.108 to read as follows:

Sec. 133.108. FEE FOR JUDICIAL ACCESS AND IMPROVEMENT. (a) A person convicted in a municipal or justice court of an offense, other than an offense relating to a pedestrian or the parking of a motor vehicle, shall pay as a court cost, in addition to other costs, a fee of \$5 to be used to fund basic civil legal services and criminal defense for indigents and electronic filing in courts in this state through the judicial access and improvement account established under Section 22.016, Government Code.

(b) The treasurer shall remit the fees collected under this section to the comptroller in the manner provided by Subchapter B. The comptroller shall credit the remitted fees to the credit of the judicial access and improvement account established under Section 22.016, Government Code.

SECTION __.09. Section 133.152(a), Local Government Code, is amended to read as follows:

(a) In addition to other fees collected under Section 133.151(a) or otherwise authorized or required by law, the clerk of a district court shall collect the following fees on the filing of any civil action or proceeding requiring a filing fee, including an appeal, and on the filing of any counterclaim, cross-action, intervention, interpleader, or third-party action requiring a filing fee:

(1) \$15 [~~\$5~~] in family law cases and proceedings as defined by Section 25.0002, Government Code; and

(2) \$20 [~~\$10~~] in any case other than a case described by Subdivision (1).

SECTION __.10. (a) Section 51.607, Government Code, does not apply to the imposition of a court cost or fee under this article.

(b) The changes in law made by this article apply to the costs imposed on or after September 1, 2011, for conviction of an offense that occurs on or after that date.

(c) For purposes of Subsection (b) of this section, an offense is committed before the date specified by that subsection if any element of the offense occurs before the specified date. Court costs imposed on conviction of an offense committed before that specified date are governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose.

(d) Section 133.152(a), Local Government Code, as amended by this article, and Section 101.0615, Government Code, as amended by this article, apply only to a civil action or proceeding filed in a district court on or after the effective date of this article. A civil action or proceeding filed before that date is governed by the law in effect on the date the action or proceeding was filed, and the former law is continued in effect for that purpose.

RODRIGUEZ
WENTWORTH

The amendment to **CSSB 1811** was read and was adopted by the following vote: Yeas 17, Nays 14.

Yeas: Carona, Davis, Deuell, Ellis, Eltife, Gallegos, Hinojosa, Lucio, Ogden, Rodriguez, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Zaffirini.

Nays: Birdwell, Duncan, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Patrick, Seliger, Shapiro, Williams.

Senator Watson offered the following amendment to the bill:

Floor Amendment No. 9

Amend **CSSB 1811** by adding the following appropriately numbered ARTICLES and SECTIONS to the bill and renumbering subsequent ARTICLES and SECTIONS appropriately:

ARTICLE __. LEGISLATIVE BUDGET BOARD MEETINGS

SECTION __. Section 322.003, Government Code, is amended by adding Subsection (f) to read as follows:

(f) The board shall hold a public hearing in November of each state fiscal year to hear a report from the comptroller and receive public testimony regarding the financial condition of this state. The report from the comptroller must:

(1) specify for each revenue source included in determining the estimate of anticipated revenue for purposes of the most recent statement required by Section 49a, Article III, Texas Constitution, the total net revenue actually collected from that source for the state fiscal year as of the end of the most recent state fiscal quarter;

(2) compare for the period described by Subdivision (1) the total net revenue collected from each revenue source required to be specified under that subdivision with the anticipated revenue from that source that was included for purposes of determining the estimate of anticipated revenue in the statement required by Section 49a, Article III, Texas Constitution;

(3) specify for each state revenue source resulting from a law taking effect after the comptroller submitted the most recent statement required by Section 49a, Article III, Texas Constitution, the estimated total net revenue collected from that source for the state fiscal year as of the end of the most recent state fiscal quarter;

(4) summarize indicators of state economic trends experienced since the most recent statement required by Section 49a, Article III, Texas Constitution; and

(5) summarize anticipated state economic trends and the anticipated effect of the trends on state revenue collections.

SECTION ____. Section 322.008, Government Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) For each state fee the amount of which is proposed or authorized to be increased by a provision of the general appropriations bill, the general appropriations bill must set out in a separate section of the bill:

(1) the statutory authority for the fee;

(2) the amount of the fee increase;

(3) each purpose for which the fee revenue is to be used; and

(4) into which fund the fee revenue will be deposited.

SECTION ____. Chapter 322, Government Code, is amended by adding Section 322.022 to read as follows:

Sec. 322.022. PUBLIC HEARING ON INTERIM BUDGET REDUCTION REQUEST. (a) In this section:

(1) "Interim budget reduction request" means a request communicated in any manner for a state agency to make adjustments to the strategies, methods of finance, performance measures, or riders applicable to the agency through the state budget in effect on the date the request is communicated that, if implemented, would reduce the agency's total expenditures for the current state fiscal biennium to an amount less than the total amount that otherwise would be permissible based on the appropriations made to the agency in the budget.

(2) "State agency" means an office, department, board, commission, institution, or other entity to which a legislative appropriation is made.

(b) A state agency shall provide to the board a detailed report of any expenditure reduction plan that:

(1) the agency develops in response to an interim budget reduction request made by the governor, the lieutenant governor, or a member of the legislature, or any combination of those persons; and

(2) if implemented, would reduce the agency's total expenditures for the current state fiscal biennium to an amount less than the total amount that otherwise would be permissible based on the appropriations made to the agency in the state budget for the biennium.

(c) The board shall hold a public hearing to solicit testimony on an expenditure reduction plan a state agency reports to the board as required by Subsection (b) as soon as practicable after receiving the report. The agency may not implement any element of the plan until the conclusion of the hearing.

(d) This section does not apply to an expenditure reduction a state agency desires to make that does not directly or indirectly result from an interim budget reduction request made by the governor, the lieutenant governor, or a member of the legislature, or any combination of those persons.

SECTION _____. Subchapter B, Chapter 403, Government Code, is amended by adding Section 403.0145 to read as follows:

Sec. 403.0145. PUBLICATION OF FEES SCHEDULE. As soon as practicable after the end of each state fiscal year, the comptroller shall publish a schedule of all revenue to the state from fees authorized by statute. For each fee, the schedule must specify:

(1) the purpose for which the fee revenue is to be used;

(2) if the fee has been increased during the most recent legislative session, the amount of the increase;

(3) into which fund the fee revenue will be deposited; and

(4) the amount of the fee revenue that will be considered available for general governmental purposes and accordingly considered available for the purpose of certification under Section 403.121.

SECTION _____. Section 404.124, Government Code, is amended by amending Subsections (a) and (b) and adding Subsection (b-1) to read as follows:

(a) Before issuing notes the comptroller shall submit to the committee a general revenue cash flow shortfall forecast, based on the comptroller's most recent anticipated revenue estimate. The forecast must contain a detailed report of estimated revenues and expenditures for each month and each major revenue and expenditure category and must demonstrate the maximum general revenue cash flow shortfall that may be predicted. The committee shall hold a public hearing to solicit testimony on the forecast, including testimony on this state's overall economic condition, as soon as practicable after receiving the forecast.

(b) Based on the forecast and testimony provided at the hearing required by Subsection (a), the committee may approve the issuance of notes, subject to Subsections (b-1) and (c), and the maximum outstanding balance of notes in any fiscal year. The outstanding balance may not exceed the maximum temporary cash shortfall forecast by the comptroller for any period in the fiscal year. The comptroller may not issue notes in excess of the amount approved.

(b-1) The committee's approval of the issuance of notes granted under Subsection (b) expires on the 91st day after the date the hearing conducted under Subsection (a) concludes. The comptroller may not issue notes on or after the 91st day unless the comptroller submits another general revenue cash flow shortfall forecast to the committee and the committee subsequently grants approval for the issuance of the

notes in accordance with the procedure required by Subsections (a) and (b). Each subsequent approval expires on the 61st day after the date the hearing on which the approval was based concludes.

The amendment to **CSSB 1811** was read.

Question — Shall Floor Amendment No. 9 to **CSSB 1811** be adopted?

RECESS

On motion of Senator Whitmire, the Senate at 3:38 p.m. recessed until 4:00 p.m. today.

AFTER RECESS

The Senate met at 4:21 p.m. and was called to order by President Pro Tempore Ogden.

(President in Chair)

Question — Shall Floor Amendment No. 9 to **CSSB 1811** be adopted?

On motion of Senator Watson, Floor Amendment No. 9 was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 9 except as follows:

Nays: Fraser.

Senator Ellis offered the following amendment to the bill:

Floor Amendment No. 10

Amend **CSSB 1811** (senate committee report) by adding the following appropriately numbered article to the bill and renumbering subsequent articles of the bill as appropriate:

ARTICLE __. BENEFITS FOR SURVIVORS OF TEXAS NATIONAL GUARD MEMBERS

SECTION __.01. Subtitle C, Title 4, Government Code, is amended by adding Chapter 437 to read as follows:

CHAPTER 437. BENEFITS FOR SURVIVORS OF TEXAS NATIONAL GUARD MEMBERS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 437.001. DEFINITION. In this chapter, "eligible survivor" means a person eligible to receive benefits under this chapter.

Sec. 437.002. APPLICABILITY. This chapter applies only to eligible survivors of a Texas National Guard member who died after September 11, 2001, while:

(1) on federal active duty under Title 10, United States Code; or

(2) serving in a named military operation on active duty under state authority in accordance with Title 32, United States Code.

Sec. 437.003. ADDITIONAL BENEFIT. The benefit provided under this chapter is in addition to any other benefit provided under state or federal law.

[Sections 437.004-437.050 reserved for expansion]

SUBCHAPTER B. ADMINISTRATION OF CHAPTER

Sec. 437.051. ADJUTANT GENERAL. The adjutant general shall administer this chapter for the payment of benefits to eligible survivors of Texas National Guard members.

Sec. 437.052. RULES. The adjutant general shall adopt rules to administer this chapter, including rules and procedures for making and proving a claim, appealing decisions, and receiving benefits under this chapter.

Sec. 437.053. GIFTS; GRANTS. The adjutant general may accept gifts and grants to make payments under this chapter.

Sec. 437.054. CERTIFICATION TO COMPTROLLER. The adjutant general shall certify to the comptroller:

(1) the name of each eligible survivor who will be paid a benefit under this chapter; and

(2) the amount of the benefit to be paid to each eligible survivor under this chapter from funds specifically appropriated to the adjutant general for that purpose.

[Sections 437.055-437.100 reserved for expansion]

SUBCHAPTER C. PAYMENTS TO ELIGIBLE SURVIVORS

Sec. 437.101. ELIGIBILITY. (a) In this section, "heirs" has the meaning assigned by Section 3, Texas Probate Code.

(b) An eligible survivor is a person designated as a beneficiary on the deceased Texas National Guard member's group life insurance program under 38 U.S.C. Section 1965 et seq.

(c) If there is not a beneficiary for the Texas National Guard member under Subsection (b), the eligible survivors are the heirs.

Sec. 437.102. PAYMENT TO ELIGIBLE SURVIVOR. (a) The state shall pay \$250,000 to the eligible survivor of a Texas National Guard member or the appropriate pro rata portion of that amount to the eligible survivors of the member. The state shall pay the benefits in two equal installments.

(b) The state is required to make payments under this section only to the extent that the legislature specifically appropriates money for that purpose.

Sec. 437.103. APPLICATION FOR BENEFITS. An eligible survivor must apply for benefits in accordance with rules adopted under this chapter.

SECTION ____.02. This article takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this article takes effect September 1, 2011.

The amendment to **CSSB 1811** was read.

Senator Ellis withdrew Floor Amendment No. 10.

Senator Jackson offered the following amendment to the bill:

Floor Amendment No. 11

Amend **CSSB 1811** (senate committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . ECONOMIC AND WORKFORCE DEVELOPMENT
PROGRAMS

SECTION ____ .01. Section 481.078, Government Code, is amended by adding Subsection (m) to read as follows:

(m) Notwithstanding Subsections (e) and (e-1), during the state fiscal biennium that begins on September 1, 2011, the governor shall transfer \$30 million from the fund to the Texas Workforce Commission to fund the Texas Back to Work Program established under Chapter 313, Labor Code, and \$15 million from the fund to the skills development fund established under Section 303.003, Labor Code. The governor shall begin transferring money as required by this subsection as soon as possible after September 1, 2011, and may make more than one transfer if necessary to satisfy the requirements of this subsection.

SECTION ____ .02. Section 303.003, Labor Code, is amended by adding Subsection (b-2) to read as follows:

(b-2) From money available to the skills development fund program, the commission shall allocate not less than \$5 million each state fiscal biennium for businesses with fewer than 100 employees that partner with one of the entities under Subsection (b) to provide job-training skills to the business's employees. A business that receives money for job-training purposes under this subsection may not receive more than:

(1) \$1,450 per new employee for training costs associated with that employee; and

(2) \$725 per retained employee for training costs associated with retaining that employee.

SECTION ____ .03. Subtitle B, Title 4, Labor Code, is amended by adding Chapter 313 to read as follows:

CHAPTER 313. TEXAS BACK TO WORK PROGRAM

Sec. 313.001. DEFINITION. In this chapter, "qualified applicant" means a person who made less than \$40 per hour at the person's last employment before becoming unemployed.

Sec. 313.002. INITIATIVE ESTABLISHED. (a) The Texas Back to Work Program is established within the commission.

(b) The purpose of the program is to establish public-private partnerships with employers to transition residents of this state from receiving unemployment compensation to becoming employed as members of the workforce.

(c) An employer that participates in the initiative may receive a wage subsidy for hiring one or more qualified applicants who are unemployed at the time of hire.

Sec. 313.003. RULES. The commission may adopt rules as necessary to implement this chapter.

The amendment to **CSSB 1811** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 11.

Senator Davis offered the following amendment to the bill:

Floor Amendment No. 12

Amend **CSSB 1811** (senate committee printing) by adding the following article, numbered appropriately:

ARTICLE ____ . TRANSFER OF BALANCES OF CERTAIN DEDICATED
ACCOUNTS TO GENERAL REVENUE FUND

SECTION ____ .01. Notwithstanding the dedication made by Section 490.101, Government Code, on the effective date of this article, the unexpended and unobligated balance of the Texas Emerging Technology Fund account in the general revenue fund on that date that exceeds \$10 million is transferred to the undedicated portion of the general revenue fund and is available for spending for general governmental purposes for the state fiscal biennium beginning September 1, 2011.

SECTION ____ .02. Notwithstanding the dedication made by Section 481.078, Government Code, on the effective date of this article, the unexpended and unobligated balance of the Texas Enterprise Fund account in the general revenue fund on that date that exceeds \$10 million is transferred to the undedicated portion of the general revenue fund and is available for spending for general governmental purposes for the state fiscal biennium beginning September 1, 2011.

SECTION ____ .03. This article takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this article takes effect September 1, 2011.

The amendment to **CSSB 1811** was read.

Senator Davis withdrew Floor Amendment No. 12.

Senator Davis offered the following amendment to the bill:

Floor Amendment No. 13

Amend **CSSB 1811** (senate committee report) by adding the following appropriately numbered ARTICLE to the bill and renumbering the remaining ARTICLES of the bill appropriately:

ARTICLE ____ . TAX REDUCTION FOR HIGH-COST GAS

SECTION ____ .01. Section 201.057(c), Tax Code, is amended to read as follows:

(c) High-cost gas as defined in Subsection (a)(2)(A) produced from a well that is spudded or completed after August 31, 1996, is entitled to a reduction of the tax imposed by this chapter for the first 120 consecutive calendar months beginning on the first day of production, or until the cumulative value of the tax reduction equals 25 [~~50~~] percent of the drilling and completion costs incurred for the well, whichever occurs first. The amount of tax reduction shall be computed by subtracting from the tax rate imposed by Section 201.052 the product of that tax rate times the ratio of drilling and completion costs incurred for the well to twice the median drilling and completion costs for high-cost wells as defined in Subsection (a)(2)(A) spudded or completed during the previous state fiscal year, except that the effective rate of tax may not be reduced below zero.

SECTION ____02. Section 201.057(c), Tax Code, as amended by this article, applies to an application for certification that a well produces or will produce high-cost gas that is pending on or after October 1, 2011.

The amendment to **CSSB 1811** was read.

Senator Davis withdrew Floor Amendment No. 13.

Senator Davis offered the following amendment to the bill:

Floor Amendment No. 14

Amend **CSSB 1811** (senate committee report) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE _____. TAXABILITY OF COMPUTER PROGRAMMING SERVICES

SECTION ____01. Section 151.0031, Tax Code, is amended to read as follows:

Sec. 151.0031. "COMPUTER PROGRAM". "Computer program" means a series of instructions that are coded for acceptance or use by a computer system and that are designed to permit the computer system to process data and provide results and information. The series of instructions may be contained in or on magnetic tapes, punched cards, printed instructions, or other tangible or electronic media. For purposes of this chapter, the term includes a computer program created or developed exclusively for a client who retains all rights to the program.

SECTION ____02. Section 151.0101(a), Tax Code, is amended to read as follows:

(a) "Taxable services" means:

- (1) amusement services;
- (2) cable television services;
- (3) personal services;
- (4) motor vehicle parking and storage services;
- (5) the repair, remodeling, maintenance, and restoration of tangible personal property, except:

(A) aircraft;

(B) a ship, boat, or other vessel, other than:

- (i) a taxable boat or motor as defined by Section 160.001;
- (ii) a sports fishing boat; or
- (iii) any other vessel used for pleasure; and

(C) the repair, maintenance, and restoration of a motor vehicle; ~~and~~

~~[(D) the repair, maintenance, creation, and restoration of a computer program, including its development and modification, not sold by the person performing the repair, maintenance, creation, or restoration service;]~~

- (6) telecommunications services;
- (7) credit reporting services;
- (8) debt collection services;
- (9) insurance services;
- (10) information services;
- (11) real property services;

- (12) data processing services;
- (13) real property repair and remodeling;
- (14) security services;
- (15) telephone answering services;
- (16) Internet access service; and

(17) a sale by a transmission and distribution utility, as defined in Section 31.002, Utilities Code, of transmission or delivery of service directly to an electricity end-use customer whose consumption of electricity is subject to taxation under this chapter.

SECTION ____ .03. The changes in law made by this article do not affect a tax imposed before the effective date of this article. A tax imposed before the effective date of this article is governed by the law in effect when the tax was imposed, and that law is continued in effect for purposes of the liability for and collection of that tax.

The amendment to **CSSB 1811** was read.

Senator Davis withdrew Floor Amendment No. 14.

Senator Gallegos offered the following amendment to the bill:

Floor Amendment No. 15

Amend **CSSB 1811** (Senate committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . INHERITANCE TAX

SECTION __ .01. Section 211.001(14), Tax Code, is amended to read as follows:

(14) "Value" means value as finally determined and used for purposes of computing the federal tax or the tax imposed by this chapter.

SECTION __ .02. Section 211.003, Tax Code, is amended to read as follows:

Sec. 211.003. REFERENCES TO INTERNAL REVENUE CODE. A citation of or a reference to a subtitle, a chapter, or a section of the Internal Revenue Code of 1954 is a citation of or reference to [includes] that subtitle, chapter, or section as it existed [exists] on December 31, 2000 ~~[September 1, 1981, or as amended after that date and also includes any other provision of the Internal Revenue Code enacted after September 1, 1981, that is similar to or a replacement of the subtitle, chapter, or section cited or referred to].~~

SECTION __ .03. Section 211.056, Tax Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) This section applies only to an estate that is subject to both the federal tax and the tax imposed by this chapter.

(a-1) The comptroller shall confer with the Internal Revenue Service of the United States to determine the value of a decedent's estate that is located in this state and that is valued by the United States for tax purposes.

SECTION __ .04. Subchapter B, Chapter 211, Tax Code, is amended by adding Section 211.057 to read as follows:

Sec. 211.057. VALUE OF ESTATES NOT SUBJECT TO FEDERAL TAX. The comptroller shall adopt rules for determining the value of a decedent's estate that is located in this state and that is not subject to the federal tax.

SECTION __.05. Section 211.102, Tax Code, is amended to read as follows:

Sec. 211.102. DAY ON WHICH PAYMENT IS DUE. Except as provided by Sections 211.103 and 211.104 [~~211.104(b)~~], payment of a tax imposed by Section 211.051, 211.052, or 211.053 [~~of this code~~] on a decedent's estate is due nine months after the day of the decedent's death.

SECTION __.06. Section 211.103, Tax Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) The personal representative of an estate that is subject to a tax imposed by this chapter but that is not subject to the federal tax may request an extension of time under Section 111.057 for filing a report required by this chapter.

SECTION __.07. Section 211.104, Tax Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) This section applies only to an estate that is subject to both the federal tax and the tax imposed by this chapter.

(a-1) Within 30 days after receiving notice or information of the final assessment and determination of the value of the taxable estate assessed and determined by the federal government for the purpose of fixing federal estate taxes on that estate, the personal representative shall make to the comptroller a report of the value of the estate as so fixed and determined. The report shall be made in a form and contain information as the comptroller directs.

SECTION __.08. Sections 211.105 and 211.106, Tax Code, are amended to read as follows:

Sec. 211.105. DATE DUE OF TAXES ON GENERATION-SKIPPING TRANSFERS. (a) The taxes imposed by this chapter on generation-skipping transfers that are subject to the federal tax are due and payable at the same time as the federal tax on generation-skipping transfers.

(b) The comptroller shall adopt rules specifying a due date for taxes imposed by this chapter on generation-skipping transfers that are not subject to the federal tax.

Sec. 211.106. RETURNS. A payment relating to an estate that is subject to the federal tax must ~~shall~~ be accompanied by a copy of the federal estate or generation-skipping transfer tax return filed with the Internal Revenue Service and the Texas tax return containing any information the comptroller considers necessary for the enforcement of this chapter. A payment relating to an estate that is subject to the tax imposed by this chapter but is not subject to the federal tax must be accompanied by the Texas tax return [~~In the event no federal estate or generation skipping transfer tax has been paid or is due and no federal estate or generation skipping transfer tax return must be filed, the filing of a Texas tax return is not required by this chapter.~~].

SECTION __.09. Section 211.301, Tax Code, is amended to read as follows:

Sec. 211.301. ALLOCATION OF REVENUE [~~GENERAL REVENUE FUND~~]. The revenue from a tax, interest, or penalty imposed by this chapter shall be deposited in the state treasury to the credit of the foundation school [~~general revenue~~] fund.

SECTION __.10. The change in law made by this article to Chapter 211, Tax Code, applies only to a transfer of property subject to that chapter that occurs as a result of the death of a person who dies on or after the effective date of this article. A transfer of property that occurs as a result of the death of a person who dies before the effective date of this article is governed by the law in effect on the date of the person's death, and that law is continued in effect for that purpose.

The amendment to **CSSB 1811** was read.

Senator Gallegos withdrew Floor Amendment No. 15.

Senator Hinojosa offered the following amendment to the bill:

Floor Amendment No. 16

Amend **CSSB 1811** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION __. (a) Chapter 161, Health and Safety Code, is amended by adding Subchapter V to read as follows:

SUBCHAPTER V. FEE ON CIGARETTES AND CIGARETTE TOBACCO PRODUCTS

MANUFACTURED BY CERTAIN COMPANIES

Sec. 161.601. PURPOSE. The purpose of this subchapter is to:

(1) recover health care costs to the state imposed by nonsettling manufacturers;

(2) prevent nonsettling manufacturers from undermining this state's policy of reducing underage smoking by offering cigarettes and cigarette tobacco products at prices that are substantially below the prices of cigarettes and cigarette tobacco products of other manufacturers;

(3) protect the tobacco settlement agreement and funding, which has been reduced because of the growth of sales of nonsettling manufacturer cigarettes and cigarette tobacco products, for programs that are funded wholly or partly by payments to this state under the tobacco settlement agreement and recoup for this state settlement payment revenue lost because of sales of nonsettling manufacturer cigarettes and cigarette tobacco products; and

(4) provide funding for any purpose the legislature determines.

Sec. 161.602. DEFINITIONS. In this subchapter:

(1) "Brand family" means each style of cigarettes or cigarette tobacco products sold under the same trademark. The term includes any style of cigarettes or cigarette tobacco products that have a brand name, trademark, logo, symbol, motto, selling message, recognizable pattern of colors, or other indication of product identification that is identical to, similar to, or identifiable with a previously known brand of cigarettes or cigarette tobacco products.

(2) "Cigarette" means any product that contains nicotine and is intended to be burned or heated under ordinary conditions of use. The term includes:

(A) a roll of tobacco wrapped in paper or another substance that does not contain tobacco;

(B) tobacco, in any form, that is functional in a product that, because of the product's appearance, the type of tobacco used in the filler, or the product's packaging and labeling, is likely to be offered to or purchased by a consumer as a cigarette; or

(C) a roll of tobacco wrapped in any substance containing tobacco that, because of the product's appearance, the type of tobacco used in the filler, or the product's packaging and labeling, is likely to be offered to or purchased by a consumer as a cigarette.

(3) "Cigarette tobacco product" means roll-your-own tobacco or tobacco that, because of the tobacco's appearance, type, packaging, or labeling, is suitable for use in making cigarettes and is likely to be offered to or purchased by a consumer for that purpose.

(4) "Distributor" has the meaning assigned by Section 154.001 or 155.001, Tax Code, as appropriate.

(5) "Manufacturer" means a person that manufactures, fabricates, or assembles cigarettes for sale or distribution. For purposes of this subchapter, the term includes a person that is the first importer into the United States of cigarettes and cigarette tobacco products manufactured, fabricated, or assembled outside the United States.

(6) "Nonsettling manufacturer" means a manufacturer of cigarettes that did not sign the tobacco settlement agreement.

(7) "Nonsettling manufacturer cigarettes" means cigarettes manufactured, fabricated, assembled, or imported by a nonsettling manufacturer.

(8) "Nonsettling manufacturer cigarette tobacco products" means cigarette tobacco products manufactured, fabricated, assembled, or imported by a nonsettling manufacturer.

(9) "Tobacco settlement agreement" means the Comprehensive Settlement Agreement and Release filed on January 16, 1998, in the United States District Court, Eastern District of Texas, in the case styled The State of Texas v. The American Tobacco Co., et al., No. 5-96CV-91, and all subsequent amendments.

Sec. 161.603. FEE IMPOSED. (a) A fee is imposed on the sale, use, consumption, or distribution in this state of:

(1) nonsettling manufacturer cigarettes if a stamp is required to be affixed to a package of those cigarettes under Chapter 154, Tax Code;

(2) nonsettling manufacturer cigarettes that are sold, purchased, or distributed in this state but that are not required to have a stamp affixed to a package of those cigarettes under Chapter 154, Tax Code;

(3) nonsettling manufacturer cigarette tobacco products that are subject to the tax imposed by Section 155.0211, Tax Code; and

(4) nonsettling manufacturer cigarette tobacco products that are sold, purchased, or distributed in this state but that are not subject to the tax imposed by Section 155.0211, Tax Code.

(b) The fee imposed by this section does not apply to cigarettes or cigarette tobacco products that are:

(1) included in computing payments due to be made by a settling manufacturer under the tobacco settlement agreement; or

(2) sold, purchased, or otherwise distributed in this state for retail sale outside this state.

(c) The fee imposed by this subchapter is in addition to any other privilege, license, fee, or tax required or imposed by state law.

(d) Except as otherwise provided by this subchapter, the fee imposed by this subchapter is imposed, collected, paid, administered, and enforced in the same manner, taking into account that the fee is imposed on nonsettling manufacturers, as the taxes imposed by Chapters 154 and 155, Tax Code, as appropriate.

Sec. 161.604. RATE OF FEE. (a) Except as provided by Subsection (b), the fee is imposed at the rate of 2.15 cents for:

(1) each nonsettling manufacturer cigarette; and

(2) each 0.09 ounce of nonsettling manufacturer cigarette tobacco product.

(b) On January 1 of each year, the comptroller shall increase the rate of the tax prescribed by Subsection (a) by the greater of:

(1) three percent; or

(2) the percentage increase in the most recent annual revised Consumer Price Index for All Urban Consumers, as published by the Federal Bureau of Labor Statistics of the United States Department of Labor.

Sec. 161.605. NONSETTLING MANUFACTURER CIGARETTES AND CIGARETTE TOBACCO PRODUCTS FOR RETAIL SALE OUTSIDE THIS STATE. (a) Except as provided by Subsection (b), a person may not transport or cause to be transported from this state nonsettling manufacturer cigarettes or cigarette tobacco products for retail sale in another state unless:

(1) the packages of the cigarettes or cigarette tobacco products bear the tax stamps of the state in which the cigarettes or cigarette tobacco products are to be sold and the stamps are affixed in accordance with the laws of that state; or

(2) if the state does not require a tax stamp, all excise taxes imposed on the cigarettes or cigarette tobacco products by the state in which they are to be sold have been paid in accordance with the laws of that state.

(b) A person is not required to affix a tax stamp of another state or pay the excise tax of another state before transporting the nonsettling manufacturer cigarettes or cigarette tobacco products out of this state if:

(1) the state the cigarettes or cigarette tobacco products are being transported to prohibits that action; and

(2) the cigarettes or cigarette tobacco products are being sold to a wholesaler licensed by that state.

Sec. 161.606. DISTRIBUTOR'S REPORT. (a) A distributor required to file a report under Section 154.210 or 155.111, Tax Code, shall, in addition to the information required by those sections, include in that required report, as appropriate:

(1) the number and denominations of stamps affixed to individual packages of nonsettling manufacturer cigarettes during the preceding month;

(2) the amount of nonsettling manufacturer cigarette tobacco products subject to the tax imposed by Section 155.0211, Tax Code, during the preceding month;

(3) the number of individual packages of nonsettling manufacturer cigarettes and the amount of nonsettling manufacturer cigarette tobacco products not subject to the tax imposed by Chapter 154, Tax Code, or Section 155.0211, Tax Code, sold or purchased in this state or otherwise distributed in this state for sale in the United States;

(4) the number of individual packages of nonsettling manufacturer cigarettes and the amount of nonsettling manufacturer cigarette tobacco products transported or caused to be transported outside this state during the preceding month;

(5) if Subdivision (4) applies, the name and address of the persons receiving the cigarettes or cigarette tobacco products outside this state; and

(6) any other information the comptroller considers necessary or appropriate to determine the amount of the fee imposed by this subchapter or to enforce this subchapter.

(b) The information required by Subsection (a) must be itemized for each place of business and by manufacturer and brand family.

(c) The requirement to report information under this section shall be enforced in the same manner as the requirement to deliver to or file with the comptroller a report required under Section 154.210 or 155.111, Tax Code, as appropriate.

(d) Information obtained from a report provided under Subsection (a) regarding cigarettes or cigarette tobacco products sold, purchased, or otherwise distributed by a nonsettling manufacturer may be disclosed by the comptroller to that manufacturer or to the authorized representative of the manufacturer.

Sec. 161.607. NOTICE AND PAYMENT OF FEE. (a) Each month, not later than the 20th day after the date the comptroller receives the information required by Section 161.606, the comptroller shall:

(1) compute the amount of the fee imposed by this subchapter that each nonsettling manufacturer owes for that reporting period based on that information and any other information available to the comptroller; and

(2) mail to each nonsettling manufacturer a notice of the amount of fees the manufacturer owes.

(b) Not later than the 15th day of the month after the month in which the comptroller mails a nonsettling manufacturer a notice under Subsection (a), the nonsettling manufacturer shall send to the comptroller the amount of the fee due according to the notice.

Sec. 161.608. DIRECTORY OF COMPLYING MANUFACTURERS. (a) The comptroller shall develop, maintain, and publish on the comptroller's Internet website a directory listing of all nonsettling manufacturers that have complied with this subchapter.

(b) The comptroller shall provide the list described by Subsection (a) to any person on request.

Sec. 161.609. PREPAYMENT BEFORE OFFERING NONSETTLING MANUFACTURER CIGARETTES OR CIGARETTE TOBACCO PRODUCTS FOR SALE OR DISTRIBUTION IN THIS STATE. (a) If cigarettes or cigarette tobacco products of a nonsettling manufacturer are not offered for sale or distribution in this state on September 1, 2011, the nonsettling manufacturer may not offer those cigarettes or cigarette tobacco products for sale or distribution in this state after that

date unless the manufacturer first prepays the fee imposed by this subchapter for sales of cigarettes and cigarette tobacco products that will occur in the first calendar month in which they are sold or distributed in this state.

(b) The amount a nonsettling manufacturer is required to prepay under this section is equal to the greater of:

(1) the rate prescribed by Section 161.604 in effect on that date multiplied by:

(A) the number of cigarettes the comptroller reasonably projects that the nonsettling manufacturer will sell or distribute in this state during that calendar month; and

(B) each 0.09 ounce of nonsettling manufacturer cigarette tobacco products the comptroller reasonably projects that the nonsettling manufacturer will sell or distribute in this state during that calendar month; or

(2) \$50,000.

(c) The fee imposed by this section does not apply to cigarettes or cigarette tobacco products that are:

(1) included in computing payments due to be made by a settling manufacturer under the tobacco settlement agreement; or

(2) sold, purchased, or otherwise distributed in this state for retail sale outside this state.

(d) The comptroller may require a nonsettling manufacturer to provide any information reasonably necessary to determine the prepayment amount.

(e) The comptroller shall establish procedures to:

(1) reimburse a nonsettling manufacturer if the actual sales or distributions in the first calendar month are less than the projected sales or distributions; and

(2) require additional payments if the actual sales or distributions in the first calendar month are greater than the projected sales or distributions.

(f) A nonsettling manufacturer shall pay the fee imposed by this subchapter in the manner provided by Section 161.607 beginning in the second calendar month in which the manufacturer offers the cigarettes or cigarette tobacco products for sale or distribution in this state.

Sec. 161.610. REPORT TO ATTORNEY GENERAL BEFORE OFFERING NONSETTLING MANUFACTURER CIGARETTES OR CIGARETTE TOBACCO PRODUCTS FOR SALE OR DISTRIBUTION IN THIS STATE. (a) In addition to prepaying the fee required by Section 161.609, a nonsettling manufacturer described by Section 161.609(a) shall, before the date the cigarettes or cigarette tobacco products are offered for sale or distribution in this state, provide to the attorney general on a form prescribed by the attorney general:

(1) the nonsettling manufacturer's complete name, address, and telephone number;

(2) the date that the nonsettling manufacturer will begin offering cigarettes or cigarette tobacco products for sale or distribution in this state;

(3) the names of the brand families of the cigarettes or cigarette tobacco products that the nonsettling manufacturer will offer for sale or distribution in this state;

(4) a statement that the nonsettling manufacturer intends to comply with this subchapter; and

(5) the name, address, telephone number, and signature of an officer of the nonsettling manufacturer attesting to all of the included information.

(b) The attorney general shall make the information provided under this section available to the comptroller.

Sec. 161.611. PENALTIES FOR NONCOMPLIANCE. (a) Cigarettes and cigarette tobacco products of a nonsettling manufacturer that has not complied with this subchapter, including full payment of the fee imposed by this subchapter, shall be treated as cigarettes or tobacco products for which the tax assessed by Chapter 154 or 155, Tax Code, as appropriate, has not been paid, and the manufacturer is subject to all penalties imposed by those chapters for violations of those chapters.

(b) The comptroller shall provide to a nonsettling manufacturer, each distributor authorized to affix stamps under Chapter 154, Tax Code, and the attorney general a notice of the manufacturer's noncompliance with this subchapter if the manufacturer:

(1) does not pay in full the fee imposed by this subchapter; or

(2) is not included on the directory required by Section 161.608.

(c) If a nonsettling manufacturer does not appear on the directory required by Section 161.608, or on receipt of the notice of a nonsettling manufacturer's noncompliance, a distributor may not:

(1) pay the tax imposed by Chapter 154 or 155, Tax Code, as appropriate;

(2) affix to a package of cigarettes the stamp required by Section 154.041, Tax Code; or

(3) otherwise purchase, sell, or distribute cigarettes manufactured by the nonsettling manufacturer in this state.

(d) If the comptroller determines that the nonsettling manufacturer that is the subject of a notice provided under Subsection (b) later complies with this subchapter, the comptroller shall provide to the nonsettling manufacturer, each distributor authorized to affix stamps under Chapter 154, Tax Code, and the attorney general a notice that the nonsettling manufacturer is in compliance with this subchapter.

Sec. 161.612. APPOINTMENT OF AGENT FOR SERVICE OF PROCESS. A nonsettling manufacturer shall appoint and engage a resident agent for service of process.

Sec. 161.613. AUDIT OR INSPECTION. The comptroller or attorney general is entitled to conduct reasonable periodic audits or inspections of the financial records of a nonsettling manufacturer to ensure compliance with this subchapter.

Sec. 161.614. REVENUE DEPOSITED IN GENERAL REVENUE FUND. The revenue from the fee imposed by this subchapter shall be deposited in the state treasury to the credit of the general revenue fund.

Sec. 161.615. APPLICATION OF SUBCHAPTER. This subchapter applies without regard to Section 154.022, Tax Code, or any other law that might be read to create an exemption for interstate sales.

(b) Not later than September 30, 2011, a nonsettling manufacturer, as that term is defined by Section 161.602, Health and Safety Code, as added by this section, that is offering cigarettes or cigarette tobacco products for sale or distribution in this state on September 1, 2011, shall provide to the attorney general on a form prescribed by the attorney general:

(1) the nonsettling manufacturer's complete name, address, and telephone number;

(2) the date that the nonsettling manufacturer began offering cigarettes or cigarette tobacco products for sale or distribution in this state;

(3) the names of the brand families of the cigarettes or cigarette tobacco products that the nonsettling manufacturer offers for sale or distribution in this state;

(4) a statement that the nonsettling manufacturer intends to comply with Subchapter V, Chapter 161, Health and Safety Code, as added by this section; and

(5) the name, address, telephone number, and signature of an officer of the nonsettling manufacturer attesting to all of the included information.

(c) The attorney general shall make the information provided under Subsection (b) of this section available to the comptroller.

(d) Notwithstanding any other provision of this Act, this section takes effect September 1, 2011.

The amendment to **CSSB 1811** was read.

Senator Hinojosa withdrew Floor Amendment No. 16.

Senator Ellis offered the following amendment to the bill:

Floor Amendment No. 17

Amend **CSSB 1811** (Senate committee printing) by adding the following appropriately numbered ARTICLES to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE _____. REIMBURSEMENT FOR COLLECTION AND DISCOUNT FOR PREPAYMENT OF SALES AND USE TAXES AND ALLOCATION OF CERTAIN REVENUE

SECTION _____.01. Section 151.423, Tax Code, is amended to read as follows:

Sec. 151.423. REIMBURSEMENT TO TAXPAYER FOR TAX COLLECTIONS. Subject to Section 151.4231, a [A] taxpayer may deduct and withhold three-fourths [~~one-half~~] of one percent of the amount of taxes due from the taxpayer on a timely return as reimbursement for the cost of collecting the taxes imposed by this chapter.

SECTION _____.02. Subchapter I, Chapter 151, Tax Code, is amended by adding Section 151.4231 to read as follows:

Sec. 151.4231. LIMITATION ON AMOUNT OF REIMBURSEMENT. (a) The amount deducted and withheld by a taxpayer under Section 151.423 may not exceed:

(1) \$312.50 each month if the taxpayer files monthly;

(2) \$937.50 each quarter if the taxpayer files quarterly under Section 151.401(b); and

(3) \$3,750 each state fiscal year.

(b) The comptroller shall adopt rules for determining to which state fiscal month, quarter, and year amounts deducted and withheld by a taxpayer under Section 151.423 will be allocated for purposes of this section.

SECTION ____ .03. Section 151.424, Tax Code, is amended by amending Subsection (a) and adding Subsections (a-1), (e), and (f) to read as follows:

(a) In addition to the amount permitted to be deducted and withheld under Section 151.423, a [A] taxpayer who prepays the taxpayer's tax liability on the basis of a reasonable estimate of the tax liability for a quarter in which a prepayment is made or for a month in which a prepayment is made may deduct and withhold the lesser of the following, as determined by the comptroller under Subsection (e):

(1) 1.25 percent of the amount of the prepayment; or

(2) an annually adjusted percentage of the amount of the prepayment that yields an annualized rate of return equal to the prime rate as published in The Wall Street Journal on the first business day of each calendar year, plus four percent [~~in addition to the amount permitted to be deducted and withheld under Section 151.423 of this code~~].

(a-1) A reasonable estimate of the tax liability under Subsection (a) must be at least 90 percent of the tax ultimately due or the amount of tax paid in the same quarter, or month, if a monthly prepayer, in the last preceding year. Failure to prepay a reasonable estimate of the tax will result in the loss of the entire prepayment discount.

(e) Not later than January 5 of each year, the comptroller shall:

(1) determine the percentage of a taxpayer's prepayment that may be deducted and withheld under Subsection (a); and

(2) publish the percentage determined under this subsection on the comptroller's Internet website.

(f) The percentage determined under Subsection (e) applies to a deduction and withholding from a prepayment of tax liability that a taxpayer makes on or after January 15 of the year the comptroller makes the determination and before January 15 of the succeeding year.

SECTION ____ .04. Section 151.801, Tax Code, is amended by amending Subsection (a) and adding Subsections (a-1) and (a-2) to read as follows:

(a) Except for the amounts allocated under Subsections (a-1), (a-2), (b), and (c), all proceeds from the collection of the taxes imposed by this chapter shall be deposited to the credit of the general revenue fund.

(a-1) The comptroller shall calculate the difference between the amount of the proceeds from the collection of the taxes imposed by this chapter that, in the absence of the limitation on reimbursements specified by Section 151.4231, taxpayers would deduct and withhold under Section 151.423 at the percentage in effect under that section on January 1, 2011, and the amount that taxpayers actually deduct and withhold under Section 151.423 after applying the limitation specified by Section 151.4231. The comptroller shall deposit an amount equal to that difference to the credit of the general revenue fund.

(a-2) If the percentage determined under Section 151.424(a)(2) applies in determining the amount a taxpayer may deduct and withhold under Section 151.424 from taxes imposed by this chapter, the comptroller shall determine the difference between the amount the taxpayer would deduct and withhold if the percentage under

Section 151.424(a)(1) applied and the amount the taxpayer actually deducts and withholds under Section 151.424(a)(2). The comptroller shall deposit an amount equal to that difference to the credit of the general revenue fund.

SECTION ____ .05. The comptroller of public accounts shall make the initial determination required by Section 151.424(e), Tax Code, as added by this article, not later than January 5, 2012.

SECTION ____ .06. Section 151.423, Tax Code, as amended by this article, applies to a tax report due on or after the effective date of this article. A tax report due before the effective date of this article is governed by the law in effect on the date the tax report was due, and the former law is continued in effect for that purpose.

SECTION ____ .07. Section 151.424, Tax Code, as amended by this article, applies to a prepayment of tax liability made on or after January 15, 2012. A prepayment of tax liability made before January 15, 2012, is governed by the law in effect immediately preceding the effective date of this article, and the former law is continued in effect for that purpose.

SECTION ____ .08. The change in law made by this article does not affect tax liability accruing before the effective date of this article. That liability continues in effect as if this article had not been enacted, and the former law is continued in effect for the collection of taxes due and for civil and criminal enforcement of the liability for those taxes.

ARTICLE ____ . TEMPORARY EXEMPTION OR TAX REDUCTION FOR
CERTAIN HIGH-COST GAS

SECTION ____ .01. Section 201.057(f), Tax Code, is amended to read as follows:

(f) To qualify for the exemption or tax reduction provided by this section, the person responsible for paying the tax must apply to the comptroller. Notwithstanding any other provision of this section, the application must be filed with the comptroller before September 1, 2011. The application must contain the certification of the commission that the well produces high-cost gas and, if the application is for a well spudded or completed after September 1, 1995, must contain a report of drilling and completion costs incurred for each well on a form and in the detail as determined by the comptroller. Drilling and completion costs for a recompletion shall only include current and contemporaneous costs associated with the recompletion. Notwithstanding any other provision of this section, to obtain the maximum tax exemption or tax deduction, an application to the comptroller for certification according to Subsection (a)(2)(A) must be filed with the comptroller before September 1, 2011, and at the later of the 180th day after the date of first production or the 45th day after the date of approval by the commission. If the application is not filed by the applicable deadline to obtain the maximum tax exemption or tax deduction but is filed before September 1, 2011, the tax exemption or tax deduction is reduced by 10 percent for the period beginning on the 180th day after the first day of production and ending on the date on which the application is filed with the comptroller. An application to the comptroller for certification according to Subsection (a)(2)(B) may not be filed before January 1, 1990, or after December 31, 1998. The comptroller shall approve the application of a person who demonstrates that the gas is eligible for the exemption or tax reduction. The comptroller may require

a person applying for the exemption or tax reduction to provide any relevant information in the person's monthly report that the comptroller considers necessary to administer this section. The commission shall notify the comptroller in writing immediately if it determines that an oil or gas well previously certified as producing high-cost gas does not produce high-cost gas or if it takes any action or discovers any information that affects the eligibility of gas for an exemption or tax reduction under this section.

SECTION ____ .02. The change in law made by this article does not affect tax liability accruing before the effective date of this Act. That liability continues in effect as if this article had not been enacted, and the former law is continued in effect for the collection of taxes due and for civil and criminal enforcement of the liability for those taxes.

The amendment to **CSSB 1811** was read.

Senator Ellis withdrew Floor Amendment No. 17.

Senator Nelson offered the following amendment to the bill:

Floor Amendment No. 18

Amend **CSSB 1811** by adding the following section and renumbering appropriately:

Section 1. All state agencies, including institutions of higher education, shall implement a hiring freeze for the 2012 and 2013 biennium.

The amendment to **CSSB 1811** was read.

Senator Shapiro offered the following amendment to Floor Amendment No. 18:

Floor Amendment No. 19

Amend Floor Amendment No. 18 to **CSSB 1811** by adding the following section and renumbering appropriately:

Section 1. All state agencies, including institutions of higher education, shall implement a hiring freeze for the 2012 and 2013 biennium. Eliminate TDCJ and DPS from the freeze as well as waiver from other agencies in an emergency.

The amendment to Floor Amendment No. 18 to **CSSB 1811** was read.

On motion of Senator Duncan, Floor Amendment No. 19 was tabled by the following vote: Yeas 17, Nays 14.

Yeas: Davis, Duncan, Ellis, Estes, Gallegos, Hinojosa, Lucio, Ogden, Rodriguez, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Carona, Deuell, Eltife, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Patrick, Seliger, Shapiro.

Question — Shall Floor Amendment No. 18 to **CSSB 1811** be adopted?

Senator Duncan moved to table Floor Amendment No. 18.

The motion to table prevailed by the following vote: Yeas 18, Nays 13.

Yeas: Davis, Deuell, Duncan, Ellis, Estes, Gallegos, Hinojosa, Lucio, Ogden, Rodriguez, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Carona, Eltife, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Patrick, Seliger, Shapiro.

REMARKS ORDERED PRINTED

On motion of Senator Nichols and by unanimous consent, the exchange between Senators Nelson and Nichols regarding Floor Amendment No. 18 to **CSSB 1811** was ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator Nichols: Listening to the conversation with Senator Duncan, there are emergency situations, situations of public safety, that come up. He was talking about one possible one with guards. But we've got a large fire going in West Texas. Texas Forest Service is out there; we have Texas Rangers that work on things. So if we get into an emergency situation, is it your intent that the executive director of an agency can actually file for a waiver with the Legislative Budget Board that would be acceptable?

Senator Nelson: Yes, Senator Nichols, and you raise that issue, and I absolutely don't want to interfere with an emergency situation like that that you pointed out. And it is certainly my intent to allow agency directors, if they can't move people around and meet the needs of that emergency, then, yes, in that case I would certainly permit them to do the hire they need.

Senator Davis offered the following amendment to the bill:

Floor Amendment No. 20

Amend **CSSB 1811** (senate committee printing) by adding the following article, numbered appropriately:

ARTICLE ____ . TRANSFER OF BALANCES OF CERTAIN DEDICATED ACCOUNTS TO GENERAL REVENUE FUND

SECTION ____.01. Notwithstanding the dedication made by Section 490.101, Government Code, on the effective date of this article, the unexpended and unobligated balance of the Texas Emerging Technology Fund account in the general revenue fund on that date that exceeds \$10 million is transferred to the undedicated portion of the general revenue fund and is available for spending for general governmental purposes for the state fiscal biennium beginning September 1, 2011. This section does not apply to appropriations made for the fiscal biennium beginning September 1, 2011 and subsequent bienniums.

SECTION ____.02. Notwithstanding the dedication made by Section 481.078, Government Code, on the effective date of this article, the unexpended and unobligated balance of the Texas Enterprise Fund account in the general revenue fund on that date that exceeds \$55 million is transferred to the undedicated portion of the general revenue fund and is available for spending for general governmental purposes for the state fiscal biennium beginning September 1, 2011. This section does not apply to appropriations made for the fiscal biennium beginning September 1, 2011 and subsequent bienniums.

SECTION ____.03. This article takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this article takes effect September 1, 2011. This section does not apply to appropriations made for the fiscal biennium beginning September 1, 2011 and subsequent bienniums.

The amendment to **CSSB 1811** was read.

On motion of Senator Duncan, Floor Amendment No. 20 was tabled by the following vote: Yeas 19, Nays 12.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Patrick, Seliger, Shapiro, Wentworth, Whitmire, Williams.

Nays: Davis, Ellis, Gallegos, Hinojosa, Lucio, Ogden, Rodriguez, Uresti, Van de Putte, Watson, West, Zaffirini.

Senator Nelson offered the following amendment to the bill:

Floor Amendment No. 21

Amend **CSSB 1811** by adding the following section and renumbering appropriately:

Section 1. All state agencies, including institutions of higher education, shall suspend longevity pay for all state employees during the 2012 and 2013 biennium.

The amendment to **CSSB 1811** was read.

On motion of Senator Duncan, Floor Amendment No. 21 was tabled by the following vote: Yeas 22, Nays 9.

Yeas: Davis, Deuell, Duncan, Ellis, Estes, Gallegos, Harris, Hegar, Hinojosa, Lucio, Nichols, Ogden, Rodriguez, Seliger, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Carona, Eltife, Fraser, Huffman, Jackson, Nelson, Patrick, Shapiro.

Senator Nelson offered the following amendment to the bill:

Floor Amendment No. 22

Amend **CSSB 1811** by adding the following section and renumbering appropriately:

Section 1. All state agencies, including institutions of higher education, shall reduce compensation by 10% for all employees receiving over \$200,000 in annual compensation.

The amendment to **CSSB 1811** was read.

On motion of Senator Duncan, Floor Amendment No. 22 was tabled by the following vote: Yeas 21, Nays 10.

Yeas: Davis, Deuell, Duncan, Ellis, Estes, Gallegos, Harris, Hinojosa, Jackson, Lucio, Nichols, Ogden, Rodriguez, Seliger, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Carona, Eltife, Fraser, Hegar, Huffman, Nelson, Patrick, Shapiro, Wentworth.

Senator Patrick offered the following amendment to the bill:

Floor Amendment No. 23

Amend **CSSB 1811** by adding the following section and renumbering appropriately:

Section 1. All state agencies, including institutions of higher education, shall reduce compensation by 5% for all employees receiving over \$100,000 in annual compensation.

The amendment to **CSSB 1811** was read.

Senator Seliger called for the previous question.

The question was not ordered due to the lack of seconds.

Senator Ellis offered the following amendment to Floor Amendment No. 23:

Floor Amendment No. 24

Amend Floor Amendment No. 23 to **CSSB 1811** by adding the following appropriately numbered ARTICLES to the Amendment and renumbering subsequent ARTICLES and SECTIONS of the Amendment accordingly:

ARTICLE ____ . REIMBURSEMENT FOR COLLECTION AND DISCOUNT FOR PREPAYMENT OF SALES AND USE TAXES AND ALLOCATION OF CERTAIN REVENUE

SECTION ____ .01. Section 151.423, Tax Code, is amended to read as follows:

Sec. 151.423. REIMBURSEMENT TO TAXPAYER FOR TAX COLLECTIONS. Subject to Section 151.4231, a [A] taxpayer may deduct and withhold three-fourths [one-half] of one percent of the amount of taxes due from the taxpayer on a timely return as reimbursement for the cost of collecting the taxes imposed by this chapter.

SECTION ____ .02. Subchapter I, Chapter 151, Tax Code, is amended by adding Section 151.4231 to read as follows:

Sec. 151.4231. LIMITATION ON AMOUNT OF REIMBURSEMENT. (a) The amount deducted and withheld by a taxpayer under Section 151.423 may not exceed:

- (1) \$312.50 each month if the taxpayer files monthly;
- (2) \$937.50 each quarter if the taxpayer files quarterly under Section 151.401(b); and
- (3) \$3,750 each state fiscal year.

(b) The comptroller shall adopt rules for determining to which state fiscal month, quarter, and year amounts deducted and withheld by a taxpayer under Section 151.423 will be allocated for purposes of this section.

SECTION ____ .03. Section 151.424, Tax Code, is amended by amending Subsection (a) and adding Subsections (a-1), (e), and (f) to read as follows:

(a) In addition to the amount permitted to be deducted and withheld under Section 151.423, a [A] taxpayer who prepays the taxpayer's tax liability on the basis of a reasonable estimate of the tax liability for a quarter in which a prepayment is made or for a month in which a prepayment is made may deduct and withhold the lesser of the following, as determined by the comptroller under Subsection (e):

(1) 1.25 percent of the amount of the prepayment; or

(2) an annually adjusted percentage of the amount of the prepayment that yields an annualized rate of return equal to the prime rate as published in The Wall Street Journal on the first business day of each calendar year, plus four percent [~~in addition to the amount permitted to be deducted and withheld under Section 151.423 of this code~~].

(a-1) A reasonable estimate of the tax liability under Subsection (a) must be at least 90 percent of the tax ultimately due or the amount of tax paid in the same quarter, or month, if a monthly prepayer, in the last preceding year. Failure to prepay a reasonable estimate of the tax will result in the loss of the entire prepayment discount.

(e) Not later than January 5 of each year, the comptroller shall:

(1) determine the percentage of a taxpayer's prepayment that may be deducted and withheld under Subsection (a); and

(2) publish the percentage determined under this subsection on the comptroller's Internet website.

(f) The percentage determined under Subsection (e) applies to a deduction and withholding from a prepayment of tax liability that a taxpayer makes on or after January 15 of the year the comptroller makes the determination and before January 15 of the succeeding year.

SECTION ____ .04. Section 151.801, Tax Code, is amended by amending Subsection (a) and adding Subsections (a-1) and (a-2) to read as follows:

(a) Except for the amounts allocated under Subsections (a-1), (a-2), (b)₂ and (c), all proceeds from the collection of the taxes imposed by this chapter shall be deposited to the credit of the general revenue fund.

(a-1) The comptroller shall calculate the difference between the amount of the proceeds from the collection of the taxes imposed by this chapter that, in the absence of the limitation on reimbursements specified by Section 151.4231, taxpayers would deduct and withhold under Section 151.423 at the percentage in effect under that section on January 1, 2011, and the amount that taxpayers actually deduct and withhold under Section 151.423 after applying the limitation specified by Section 151.4231. The comptroller shall deposit an amount equal to that difference to the credit of the general revenue fund.

(a-2) If the percentage determined under Section 151.424(a)(2) applies in determining the amount a taxpayer may deduct and withhold under Section 151.424 from taxes imposed by this chapter, the comptroller shall determine the difference between the amount the taxpayer would deduct and withhold if the percentage under Section 151.424(a)(1) applied and the amount the taxpayer actually deducts and withholds under Section 151.424(a)(2). The comptroller shall deposit an amount equal to that difference to the credit of the general revenue fund.

SECTION ____ .05. The comptroller of public accounts shall make the initial determination required by Section 151.424(e), Tax Code, as added by this article, not later than January 5, 2012.

SECTION ____ .06. Section 151.423, Tax Code, as amended by this article, applies to a tax report due on or after the effective date of this article. A tax report due before the effective date of this article is governed by the law in effect on the date the tax report was due, and the former law is continued in effect for that purpose.

SECTION ____ .07. Section 151.424, Tax Code, as amended by this article, applies to a prepayment of tax liability made on or after January 15, 2012. A prepayment of tax liability made before January 15, 2012, is governed by the law in effect immediately preceding the effective date of this article, and the former law is continued in effect for that purpose.

SECTION ____ .08. The change in law made by this article does not affect tax liability accruing before the effective date of this article. That liability continues in effect as if this article had not been enacted, and the former law is continued in effect for the collection of taxes due and for civil and criminal enforcement of the liability for those taxes.

The amendment to Floor Amendment No. 23 to **CSSB 1811** was read.

Senator Ellis withdrew Floor Amendment No. 24.

Question — Shall Floor Amendment No. 23 to **CSSB 1811** be adopted?

Senator Duncan moved to table Floor Amendment No. 23.

The motion to table prevailed by the following vote: Yeas 21, Nays 10.

Yeas: Davis, Deuell, Duncan, Ellis, Estes, Gallegos, Harris, Hinojosa, Jackson, Lucio, Nichols, Ogden, Rodriguez, Seliger, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Carona, Eltife, Fraser, Hegar, Huffman, Nelson, Patrick, Shapiro, Wentworth.

VOTE RECONSIDERED ON FLOOR AMENDMENT NO. 8

Senator Ogden moved to reconsider the vote by which Floor Amendment No. 8 was adopted.

The motion prevailed by the following vote: Yeas 17, Nays 14.

Yeas: Birdwell, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Williams.

Nays: Carona, Davis, Ellis, Gallegos, Hinojosa, Lucio, Rodriguez, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Zaffirini.

Question — Shall Floor Amendment No. 8 to **CSSB 1811** be adopted?

Floor Amendment No. 8 to **CSSB 1811** was again adopted by the following vote: Yeas 17, Nays 14.

Yeas: Carona, Davis, Deuell, Ellis, Eltife, Gallegos, Hinojosa, Lucio, Ogden, Rodriguez, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Zaffirini.

Nays: Birdwell, Duncan, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Patrick, Seliger, Shapiro, Williams.

On motion of Senator Duncan and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1811 as amended was passed to engrossment by the following vote: Yeas 22, Nays 9.

Yeas: Davis, Deuell, Duncan, Ellis, Eltife, Estes, Gallegos, Harris, Hegar, Hinojosa, Lucio, Nichols, Ogden, Rodriguez, Seliger, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Zaffirini.

Nays: Birdwell, Carona, Fraser, Huffman, Jackson, Nelson, Patrick, Shapiro, Williams.

PERMISSION TO INTRODUCE BILL AND RESOLUTION

On motion of Senator Whitmire and by unanimous consent, Senate Rule 7.07(b) was suspended to permit the introduction of the following bill and resolution:

SB 1921, SJR 53.

COMMITTEE SUBSTITUTE SENATE BILL 1811 ON THIRD READING

Senator Duncan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1811** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 5.

Yeas: Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Lucio, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Zaffirini.

Nays: Birdwell, Carona, Jackson, Nelson, Williams.

The bill was read third time and was passed by the following vote: Yeas 21, Nays 10.

Yeas: Davis, Deuell, Duncan, Ellis, Eltife, Estes, Gallegos, Harris, Hinojosa, Lucio, Nichols, Ogden, Rodriguez, Seliger, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Zaffirini.

Nays: Birdwell, Carona, Fraser, Hegar, Huffman, Jackson, Nelson, Patrick, Shapiro, Williams.

MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 7:48 p.m. agreed to adjourn, upon completion of the introduction of bills and resolutions on first reading, until 11:00 a.m. Monday, May 2, 2011.

SENATE BILLS AND RESOLUTION ON FIRST READING

The following bills and resolution were introduced, read first time, and referred to the committees indicated:

SB 1921 by Lucio

Relating to the development, hosting, and management of computer software for state agencies.

To Committee on Government Organization.

SB 1922 by Lucio

Relating to the creation of the Port Isabel Improvement District No. 1; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

To Committee on International Relations and Trade.

SJR 53 by Ellis

Proposing a constitutional amendment requiring the periodic review of state and local tax preferences and providing an expiration date for certain tax preferences.

To Committee on Finance.

HOUSE BILLS ON FIRST READING

The following bills received from the House were read first time and referred to the committees indicated:

HB 3 to Committee on Criminal Justice.

HB 34 to Committee on Education.

HB 91 to Committee on Intergovernmental Relations.

HB 157 to Committee on State Affairs.

HB 240 to Committee on Natural Resources.

HB 260 to Committee on Criminal Justice.

HB 384 to Committee on Transportation and Homeland Security.

HB 470 to Committee on Criminal Justice.

HB 559 to Committee on Transportation and Homeland Security.

HB 649 to Committee on Criminal Justice.

HB 663 to Committee on Intergovernmental Relations.

HB 692 to Committee on Education.

HB 772 to Committee on Criminal Justice.

HB 787 to Committee on Transportation and Homeland Security.

HB 896 to Committee on Intergovernmental Relations.

HB 969 to Committee on Intergovernmental Relations.

HB 1053 to Committee on Higher Education.

HB 1061 to Committee on State Affairs.

HB 1120 to Committee on Intergovernmental Relations.

HB 1162 to Committee on Intergovernmental Relations.

HB 1163 to Committee on Higher Education.

HB 1207 to Committee on Jurisprudence.

HB 1381 to Committee on Criminal Justice.

HB 1486 to Committee on Transportation and Homeland Security.

HB 1541 to Committee on Transportation and Homeland Security.

HB 1601 to Committee on Criminal Justice.

HB 1633 to Committee on Jurisprudence.

HB 1651 to Committee on Intergovernmental Relations.
HB 1658 to Committee on Criminal Justice.
HB 1682 to Committee on Education.
HB 1694 to Committee on Intergovernmental Relations.
HB 1795 to Committee on Transportation and Homeland Security.
HB 1822 to Committee on Criminal Justice.
HB 1854 to Committee on Health and Human Services.
HB 1859 to Committee on Business and Commerce.
HB 1887 to Committee on Finance.
HB 1907 to Committee on Criminal Justice.
HB 1964 to Committee on Criminal Justice.
HB 2135 to Committee on Education.
HB 2138 to Committee on Transportation and Homeland Security.
HB 2139 to Committee on Government Organization.
HB 2315 to Committee on Intergovernmental Relations.
HB 2325 to Committee on Transportation and Homeland Security.
HB 2354 to Committee on Criminal Justice.
HB 2457 to Committee on Economic Development.
HB 2468 to Committee on Business and Commerce.
HB 2469 to Committee on Transportation and Homeland Security.
HB 2600 to Committee on Finance.
HB 2619 to Committee on Business and Commerce.
HB 2632 to Committee on Government Organization.
HB 2662 to Committee on Criminal Justice.
HB 2717 to Committee on Intergovernmental Relations.
HB 2734 to Committee on Transportation and Homeland Security.
HB 2809 to Committee on Intergovernmental Relations.
HB 2908 to Committee on Higher Education.
HB 2910 to Committee on Higher Education.
HB 2959 to Committee on State Affairs.
HB 3065 to Committee on Health and Human Services.
HB 3141 to Committee on Business and Commerce.
HB 3302 to Committee on Economic Development.
HB 3314 to Committee on Jurisprudence.
HB 3336 to Committee on Health and Human Services.
HB 3389 to Committee on Business and Commerce.
HB 3404 to Committee on Government Organization.
HB 3577 to Committee on Higher Education.
HB 3806 to Committee on Intergovernmental Relations.
HB 3809 to Committee on Intergovernmental Relations.
HB 3816 to Committee on Intergovernmental Relations.
HB 3817 to Committee on Intergovernmental Relations.

CO-AUTHOR OF SENATE BILL 63

On motion of Senator Zaffirini, Senator Davis will be shown as Co-author of **SB 63**.

CO-AUTHOR OF SENATE BILL 262

On motion of Senator Carona, Senator Lucio will be shown as Co-author of **SB 262**.

CO-AUTHOR OF SENATE BILL 614

On motion of Senator Rodriguez, Senator Deuell will be shown as Co-author of **SB 614**.

CO-AUTHOR OF SENATE BILL 1910

On motion of Senator Rodriguez, Senator Uresti will be shown as Co-author of **SB 1910**.

CO-SPONSOR OF HOUSE BILL 438

On motion of Senator Carona, Senator Lucio will be shown as Co-sponsor of **HB 438**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 876 by Seliger, In memory of John Paul Castro.

SR 880 by Lucio, In memory of Antonio A. Torres, Sr., of Brownsville.

SR 881 by Lucio, In memory of Paul Wesley Hanson of Brownsville.

SR 882 by Lucio, In memory of Benigno Layton.

SR 883 by Lucio, In memory of Emilio Emeterio "Red" Gomez of San Benito.

HCR 73 (Eltife), In memory of Jean Glaze of Gilmer.

Congratulatory Resolutions

SR 875 by Shapiro, Recognizing Wendy Kopp for her work in behalf of educational equity and excellence.

SR 877 by Zaffirini, Recognizing Laredo Specialty Hospital on the occasion of its fifth anniversary.

SR 879 by Zaffirini, Recognizing Pat Campos on the occasion of her retirement from the Webb County Juvenile Department.

HCR 140 (Ellis), Commemorating the 70th anniversary of MD Anderson Cancer Center.

Official Designation Resolution

SR 831 by Van de Putte, Recognizing May 21 through 27, 2011, as Safe Boating Week in Texas.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 7:55 p.m. adjourned until 11:00 a.m. Monday, May 2, 2011.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Secretary of the Senate in the order listed:

April 29, 2011

GOVERNMENT ORGANIZATION — **HB 1808**

NATURAL RESOURCES — **CSSB 555**

BUSINESS AND COMMERCE — **CSSB 1743**

GOVERNMENT ORGANIZATION — **CSHB 2271**

INTERGOVERNMENTAL RELATIONS — **CSSB 1184, CSSB 1190, SB 1404, CSSB 1546, SB 1760, SB 1789, CSSB 1875, CSSB 1877, CSSB 1880, SB 1881, CSSB 1882, SB 1899**

HIGHER EDUCATION — **CSSB 1909**

JURISPRUDENCE — **CSSB 1198**

TRANSPORTATION AND HOMELAND SECURITY — **CSSB 1699, CSSB 1386, CSSB 1697, CSSB 1330, CSSB 1114, CSSB 1036, CSSB 288, CSSB 1532**

STATE AFFAIRS — **CSSB 1664**

OPEN GOVERNMENT — **CSSB 1906**

BILLS AND RESOLUTIONS ENGROSSED

April 28, 2011

SB 4, SB 9, SB 23, SB 145, SB 365, SB 373, SB 529, SB 568, SB 604, SB 631, SB 632, SB 736, SB 738, SB 767, SB 878, SB 879, SB 880, SB 933, SB 953, SB 1159, SB 1219, SB 1240, SB 1257, SB 1290, SB 1294, SB 1302, SB 1307, SB 1319, SB 1320, SB 1325, SB 1385, SB 1431, SB 1478, SB 1505, SB 1596, SB 1619, SB 1620, SB 1668, SB 1669, SB 1687, SB 1706, SB 1707, SB 1708, SB 1709, SB 1710, SB 1711, SB 1726, SB 1730, SB 1734, SB 1755, SB 1796, SB 1799, SB 1812, SJR 4, SJR 5, SJR 50

RESOLUTIONS ENROLLED

April 28, 2011

SR 860, SR 861, SR 862, SR 863, SR 864, SR 867, SR 868, SR 869, SR 870, SR 871, SR 872, SR 873

SIGNED BY GOVERNORApril 29, 2011**SB 309, SB 333, SB 386, SB 458, SB 525, SB 567, SB 684, SB 691, SB 727,
SB 737, SB 832, SB 890, SB 983, SCR 42, SCR 48**

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FIFTY-FIRST DAY
(Monday, May 2, 2011)

The Senate met at 11:14 a.m. pursuant to adjournment and was called to order by Senator Eltife.

The roll was called and the following Senators were present: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

The Presiding Officer announced that a quorum of the Senate was present.

Pastor Russ Weaver, Shepherd's Valley Cowboy Church, Cleburne, was introduced by Senator Birdwell and offered the invocation as follows:

Dear heavenly Father, we are grateful for the land You have given to "we the people," the United States of America and, specifically, the great State of Texas. You said if Your people would humble themselves and pray that You would heal our land. We're praying. You're still God. Humbly we invoke Your healing and Your blessings on our land. Our leaders are facing decisions today. This session will have an effect on our lives, decisions that will trigger Your approval and the blessings that follow or Your disapproval and the curses that come with. I ask You please to give them wisdom to see the long term and the big picture. I ask You to make their spirits sensitive to Your prompting. I ask that You help them to see past preconceived notions and that "Your will be done" be the guide through the agenda. In Jesus' name I pray. Amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of the previous day be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

ACKNOWLEDGMENT

The Presiding Officer acknowledged the recent victory of the United States in the War on Terrorism.

Senators Lucio, Fraser, Patrick, Hinojosa, Birdwell, and West made remarks recognizing the devotion and sacrifice of the members of the United States military.

Following the remarks, Senator Birdwell led the Senators in the Pledge of Allegiance.

REMARKS ORDERED PRINTED

On motion of Senator Patrick and by unanimous consent, the remarks by Senator Birdwell were ordered reduced to writing and printed in the *Senate Journal*.

On motion of Senator Ellis and by unanimous consent, all other remarks acknowledging the recent victory of the United States in the War on Terrorism were ordered reduced to writing and printed in the *Senate Journal*.

The remarks were printed in an addendum to this day's Journal.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was filed with the Secretary of the Senate:

Austin, Texas
April 29, 2011

MESSAGE

TO THE MEMBERS OF THE SENATE AND HOUSE OF REPRESENTATIVES
OF THE EIGHTY-SECOND TEXAS LEGISLATURE, REGULAR SESSION:

The Texas Constitution in Article 4, Sections 14 and 15 grants the governor power to approve or disapprove legislation passed by both houses of the legislature. Nothing in that section or the remainder of the Texas Constitution anticipates or describes the process of returning a bill to the legislature for the purpose of clerical correction and amendment once it has been delivered to the governor for review (*Teem v. State*, 79 Tex. Crim. 285, 183 S.W. 1144, 1151 (1916)).

Senate Bill No. 785 by Harris was passed by the legislature and properly transmitted to my executive office on Wednesday, April 20, 2011. The legislature has now passed and properly transmitted to me Senate Concurrent Resolution No. 48 by Harris requesting that I return Senate Bill No. 785 to the legislature so that they may correct a clerical error in the drafting of the bill.

In this instance, I have taken no formal action on Senate Bill No. 785 and I am agreeing to the request of the legislature. While I am under no obligation to comply with this request, pursuant to established practice and previous case law, I hereby return the enrolled copy of Senate Bill No. 785 with this message to the senate for further correction and consideration by the legislature.

IN TESTIMONY WHEREOF, I have signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 29th day of April, 2011.

/s/Rick Perry
Governor of Texas

(Seal)

Attested by:

/s/Hope Andrade
Secretary of State

SENATE RESOLUTION 889

Senator Van de Putte offered the following resolution:

SR 889, Recognizing the devotion and sacrifice of the members of the United States military who so honorably serve our country.

The resolution was read.

On motion of Senator Gallegos and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Van de Putte, the resolution was adopted without objection.

PHYSICIAN OF THE DAY

Senator Estes was recognized and presented Dr. Charles K. Tibbles of Decatur as the Physician of the Day.

The Senate welcomed Dr. Tibbles and thanked him for his participation in the Physician of the Day program sponsored by the Texas Academy of Family Physicians.

**INTRODUCTION OF
BILLS AND RESOLUTIONS POSTPONED**

The Presiding Officer announced that the introduction of bills and resolutions on first reading would be postponed until the end of today's session.

There was no objection.

SENATE RESOLUTION 845

Senator Carona offered the following resolution:

SR 845, In memory of the life of J. D. Tippit.

The resolution was read.

On motion of Senator Carona, **SR 845** was adopted by a rising vote of the Senate.

In honor of the memory of J. D. Tippit, the text of the resolution is printed at the end of today's *Senate Journal*.

GUESTS PRESENTED

Senator Carona was recognized and introduced to the Senate the widow of Officer J. D. Tippit, Marie Tippit; her friend, Theresa Lozado; and Officer Rick Janich, Dallas Police Department.

The Senate welcomed its guests and extended its sympathy.

BIRTHDAY GREETINGS EXTENDED

Senator Wentworth was recognized and, on behalf of the Senate, extended birthday greetings to Senator Shapiro.

SENATE RESOLUTION 884

Senator Lucio offered the following resolution:

SR 884, In memory of Janie Cuellar Salinas.

The resolution was read.

On motion of Senator Lucio, **SR 884** was adopted by a rising vote of the Senate.

In honor of the memory of Janie Cuellar Salinas, the text of the resolution is printed at the end of today's *Senate Journal*.

GUESTS PRESENTED

Senator Lucio, joined by Senator Hinojosa, was recognized and introduced to the Senate J. D. Salinas III, Arturo Carlos Cuellar, Jr., Yolanda Cuellar, and Jena Cuellar.

The Senate welcomed its guests and extended its sympathy.

SENATE RESOLUTION 832

Senator Watson offered the following resolution:

WHEREAS, Between 1933 and 1945, Nazi Germany carried out the systematic persecution and annihilation of six million European Jews, as well as millions of other people, and this mass slaughter, known as the Holocaust, will forever signify the devastating results of unchecked intolerance, racism, and cruelty; and

WHEREAS, Although it is a painful and wrenching experience to reflect on the tragic events that occurred during those dark years, it is only through remembrance that we can rightfully acknowledge and honor the men, women, and children whose lives were brutally cut short; Jews became the primary victims of the state-sponsored genocide, while Roma, Poles, disabled individuals, homosexuals, Jehovah's Witnesses, Soviet prisoners of war, and political dissidents were also persecuted; ultimately, all of these groups were decimated under the tyranny of the Third Reich; and

WHEREAS, This horrific and shameful history is a powerful reminder of our responsibilities as citizens of a democracy to remain vigilant against hatred, bigotry, and violence and to defend the causes of individual freedom, national liberty, and equality and respect for every human being; moreover, we must reject the false claims of those who deny the Holocaust; and

WHEREAS, Each year, the United States Holocaust Memorial Council designates an eight-day period as the Holocaust Days of Remembrance, and this year's commemoration extends from Sunday, May 1, through Sunday, May 8, 2011; and

WHEREAS, The events of the Holocaust are inextricably linked to the obligation of people everywhere to uphold the cause of human rights, and as we, the people of Texas, recall this disturbing time in history, may we also be mindful of our duty to stand firm against all forms of injustice; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby recognize May 1 through 8, 2011, as the Holocaust Days of Remembrance, and encourage all Texans to do their part to keep the stories of Holocaust victims and survivors alive; and, be it further

RESOLVED, That a copy of this Resolution be prepared to commemorate the Holocaust Days of Remembrance.

SR 832 was again read.

On motion of Senator Williams and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

The resolution was previously adopted on Tuesday, April 26, 2011.

GUEST PRESENTED

Senator Watson was recognized and introduced to the Senate Jay Rubin, Chief Executive Officer of the Jewish Community Association of Austin.

The Senate welcomed its guest.

ACKNOWLEDGMENT

The Presiding Officer acknowledged Senator Shapiro to read the names of her family members who lost their lives during the Holocaust: her aunt, Erna Dorffman; her grandfather, Robert Dorffman; and her grandmother, Freda Dorffman.

HOUSE CONCURRENT RESOLUTION 47

The Presiding Officer laid before the Senate the following resolution:

HCR 47, In memory of U.S. Army Private First Class Ira Benjamin Laningham IV of Zapata.

ZAFFIRINI

The resolution was again read.

HCR 47 was previously adopted on Thursday, March 17, 2011.

In honor of the memory of Ira Benjamin Laningham IV, the text of the resolution is printed at the end of today's *Senate Journal*.

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate the family of Ira B. Laningham IV: his father, Enrique E. Cantu; his mother, Norma L. Cantu; his brother, Enrique Eliden Cantu; and his sister, Amanda Cantu; accompanied by relatives and friends.

The Senate welcomed its guests and extended its sympathy.

CONCLUSION OF MORNING CALL

The Presiding Officer at 12:27 p.m. announced the conclusion of morning call.

SENATE BILL 539 WITH HOUSE AMENDMENT

Senator Carona called **SB 539** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **SB 539** (house committee printing) in SECTION 1 of the bill, at the end of amended Section 53.156, Property Code (page 1, line 13), by inserting the following:

With respect to a lien or claim arising out of a residential construction contract, the court is not required to order the property owner to pay costs and attorney's fees under this section.

The amendment was read.

Senator Carona moved to concur in the House amendment to **SB 539**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 646 WITH HOUSE AMENDMENT

Senator Nichols called **SB 646** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **SB 646** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 88.103, Education Code, is amended to read as follows:

Sec. 88.103. ENFORCEMENT; APPOINTMENT OF PEACE OFFICERS. The director may appoint not to exceed 25 employees of the Texas Forest Service who are certified by the Commission on Law Enforcement Officer Standards and Education as qualified to be peace officers to serve as peace officers under the [his] direction of the director in executing the enforcement duties of that agency. The appointments must be approved by the board which shall commission the appointees as peace officers. Any officer commissioned under this section is vested with all the powers, privileges, and immunities of peace officers in the performance of the officer's [his] duties. The officer shall take the oath required of peace officers.

SECTION _____. Section 88.105, Education Code, is amended to read as follows:

Sec. 88.105. COOPERATION WITH PERSONS AND AGENCIES. On request, under the sanction of the board, and whenever the director [he] deems it essential to the best interests of the people of the state, the director shall cooperate with counties, towns, corporations, or individuals in preparing plans for the protection, management, and replacement of trees, woodlots, and timber tracts, under an agreement that the parties obtaining the assistance pay at least the field expenses of the persons [men] employed in preparing the plans. The board may cooperate with the National Forest Service under terms it deems desirable.

SECTION _____. Section 88.106(a), Education Code, is amended to read as follows:

(a) The director, under the supervision of the board, may cooperate on forestry projects with the National Forest Service and other federal agencies. ~~Subject~~~~;~~~~and~~~~subject~~ to the authorization of the board, the director [~~he~~] may execute agreements relating to forest protection projects in cooperation with federal agencies and timberland owners and may also execute agreements with timberland owners involving supervision of forest protection and forest development projects when the projects are developed with the aid of loans from a federal agency and when the supervision by the state is required by federal statute or is deemed necessary by the federal agency.

The amendment was read.

Senator Nichols moved to concur in the House amendment to **SB 646**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 462 ON THIRD READING**

Senator West moved to suspend the regular order of business to take up for consideration **CSSB 462** at this time on its third reading and final passage:

CSSB 462, Relating to the expunction of records and files relating to a person's arrest.

The motion prevailed by the following vote: Yeas 22, Nays 8.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Gallegos, Hegar, Hinojosa, Jackson, Lucio, Ogden, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Zaffirini.

Nays: Birdwell, Estes, Fraser, Harris, Huffman, Nelson, Nichols, Patrick.

Absent: Williams.

The bill was read third time.

Senator West moved to postpone further consideration of the bill to a time certain of 12:45 p.m. today.

The motion prevailed.

Question — Shall **CSSB 462** be finally passed?

**COMMITTEE SUBSTITUTE
HOUSE BILL 15 ON SECOND READING**

Senator Patrick moved to suspend the regular order of business to take up for consideration **CSHB 15** at this time on its second reading:

CSHB 15, Relating to informed consent to an abortion.

The motion prevailed by the following vote: Yeas 21, Nays 10.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Uresti, Williams, Zaffirini.

Nays: Davis, Ellis, Gallegos, Hinojosa, Rodriguez, Van de Putte, Watson, Wentworth, West, Whitmire.

The bill was read second time.

Senator Patrick offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 15** (senate committee report) by striking all below the enacting clause and substituting the following:

SECTION 1. Section 171.002, Health and Safety Code, is amended to read as follows:

Sec. 171.002. DEFINITIONS [~~DEFINITION~~]. In this chapter:

(1) "Abortion" [~~"abortion"~~] means the use of any means to terminate the pregnancy of a female known by the attending physician to be pregnant with the intention that the termination of the pregnancy by those means will, with reasonable likelihood, cause the death of the fetus.

(2) "Abortion provider" means a facility where an abortion is performed, including the office of a physician and a facility licensed under Chapter 245.

(3) "Medical emergency" means a life-threatening physical condition aggravated by, caused by, or arising from a pregnancy that, as certified by a physician, places the woman in danger of death or a serious risk of substantial impairment of a major bodily function unless an abortion is performed.

(4) "Sonogram" means the use of ultrasonic waves for diagnostic or therapeutic purposes, specifically to monitor an unborn child.

SECTION 2. Section 171.012, Health and Safety Code, is amended by amending Subsections (a), (b), and (c) and adding Subsection (a-1) to read as follows:

(a) Consent [~~Except in the case of a medical emergency, consent~~] to an abortion is voluntary and informed only if:

(1) the physician who is to perform the abortion [~~or the referring physician~~] informs the pregnant woman on whom the abortion is to be performed of:

(A) the physician's name [~~of the physician who will perform the abortion~~];

(B) the particular medical risks associated with the particular abortion procedure to be employed, including, when medically accurate:

(i) the risks of infection and hemorrhage;

(ii) the potential danger to a subsequent pregnancy and of infertility; and

(iii) the possibility of increased risk of breast cancer following an induced abortion and the natural protective effect of a completed pregnancy in avoiding breast cancer;

(C) the probable gestational age of the unborn child at the time the abortion is to be performed; and

(D) the medical risks associated with carrying the child to term;

(2) the physician who is to perform the abortion or the physician's agent informs the pregnant woman that:

(A) medical assistance benefits may be available for prenatal care, childbirth, and neonatal care;

(B) the father is liable for assistance in the support of the child without regard to whether the father has offered to pay for the abortion; and

(C) public and private agencies provide pregnancy prevention counseling and medical referrals for obtaining pregnancy prevention medications or devices, including emergency contraception for victims of rape or incest; ~~and~~

(3) the physician who is to perform the abortion or the physician's agent:

(A) provides ~~(D)~~ the pregnant woman with ~~has the right to review~~ the printed materials described by Section 171.014; and

(B) informs the pregnant woman⁵ that those materials:

(i) have been provided by the ~~Texas~~ Department of State Health Services;

(ii) ~~and~~ are accessible on an Internet website sponsored by the department;

(iii) ~~and that the materials~~ describe the unborn child and list agencies that offer alternatives to abortion; and

(iv) include a list of agencies that offer sonogram services at no cost to the pregnant woman;

(4) before any sedative or anesthesia is administered to the pregnant woman and at least 24 hours before the abortion or at least two hours before the abortion if the pregnant woman waives this requirement by certifying that she currently lives 100 miles or more from the nearest abortion provider:

(A) the physician who is to perform the abortion or an agent of the physician who is also a sonographer certified by a national registry of medical sonographers performs a sonogram on the pregnant woman on whom the abortion is to be performed;

(B) the physician who is to perform the abortion displays the sonogram images in a quality consistent with current medical practice in a manner that the pregnant woman may view them;

(C) the physician who is to perform the abortion provides, in a manner understandable to a layperson, a verbal explanation of the results of the sonogram images, including a medical description of the dimensions of the embryo or fetus, the presence of cardiac activity, and the presence of external members and internal organs; and

(D) the physician who is to perform the abortion or an agent of the physician who is also a sonographer certified by a national registry of medical sonographers makes audible the heart auscultation for the pregnant woman to hear, if present, in a quality consistent with current medical practice and provides, in a manner understandable to a layperson, a simultaneous verbal explanation of the heart auscultation;

(5) before receiving a sonogram under Subdivision (4)(A) and ~~[(3) the woman certifies in writing]~~ before the abortion is performed and before any sedative or anesthesia is administered, the pregnant woman completes and certifies with her signature an election form that states as follows:

"ABORTION AND SONOGRAM ELECTION

(1) THE INFORMATION AND PRINTED MATERIALS DESCRIBED BY SECTIONS 171.012(a)(1)-(3), TEXAS HEALTH AND SAFETY CODE, HAVE BEEN PROVIDED AND EXPLAINED TO ME.

(2) I UNDERSTAND THE NATURE AND CONSEQUENCES OF AN ABORTION.

(3) TEXAS LAW REQUIRES THAT I RECEIVE A SONOGRAM PRIOR TO RECEIVING AN ABORTION.

(4) I UNDERSTAND THAT I HAVE THE OPTION TO VIEW THE SONOGRAM IMAGES.

(5) I UNDERSTAND THAT I HAVE THE OPTION TO HEAR THE HEARTBEAT.

(6) I UNDERSTAND THAT I AM REQUIRED BY LAW TO HEAR AN EXPLANATION OF THE SONOGRAM IMAGES UNLESS I CERTIFY IN WRITING TO ONE OF THE FOLLOWING:

I AM PREGNANT AS A RESULT OF A SEXUAL ASSAULT, INCEST, OR OTHER VIOLATION OF THE TEXAS PENAL CODE THAT HAS BEEN REPORTED TO LAW ENFORCEMENT AUTHORITIES OR THAT HAS NOT BEEN REPORTED BECAUSE I REASONABLY BELIEVE THAT DOING SO WOULD PUT ME AT RISK OF RETALIATION RESULTING IN SERIOUS BODILY INJURY.

I AM A MINOR AND OBTAINING AN ABORTION IN ACCORDANCE WITH JUDICIAL BYPASS PROCEDURES UNDER CHAPTER 33, TEXAS FAMILY CODE.

MY FETUS HAS AN IRREVERSIBLE MEDICAL CONDITION OR ABNORMALITY, AS IDENTIFIED BY RELIABLE DIAGNOSTIC PROCEDURES AND DOCUMENTED IN MY MEDICAL FILE.

(7) I AM MAKING THIS ELECTION OF MY OWN FREE WILL AND WITHOUT COERCION.

(8) FOR A WOMAN WHO LIVES 100 MILES OR MORE FROM THE NEAREST ABORTION PROVIDER ONLY:

I CERTIFY THAT, BECAUSE I CURRENTLY LIVE 100 MILES OR MORE FROM THE NEAREST ABORTION PROVIDER, I WAIVE THE REQUIREMENT TO WAIT 24 HOURS AFTER THE SONOGRAM IS PERFORMED BEFORE RECEIVING THE ABORTION PROCEDURE. MY PLACE OF RESIDENCE IS: _____.

SIGNATURE

DATE"

[that the information described by Subdivisions (1) and (2) has been provided to her and that she has been informed of her opportunity to review the information described by Section 171.014]; [and]

(6) [(4)] before the abortion is performed, the physician who is to perform the abortion receives a copy of the signed, written certification required by Subdivision (5); and

(7) the pregnant woman is provided the name of each person who provides or explains the information required under this subsection [(3)].

(a-1) During a visit made to a facility to fulfill the requirements of Subsection (a), the facility and any person at the facility may not accept any form of payment, deposit, or exchange or make any financial agreement for an abortion or abortion-related services other than for payment of a service required by Subsection (a). The amount charged for a service required by Subsection (a) may not exceed the reimbursement rate established for the service by the Health and Human Services Commission for statewide medical reimbursement programs.

(b) The information required to be provided under Subsections (a)(1) and (2) may not be provided by audio or video recording and must be provided at least 24 hours before the abortion is to be performed:

(1) orally and [by telephone or] in person in a private and confidential setting if the pregnant woman currently lives less than 100 miles from the nearest abortion provider; or [and]

(2) orally by telephone or in person in a private and confidential setting if the pregnant woman certifies that the woman currently lives 100 miles or more from the nearest abortion provider [at least 24 hours before the abortion is to be performed].

(c) When providing the information under Subsection (a)(3) [(a)(2)(D)], the physician or the physician's agent must provide the pregnant woman with the address of the Internet website on which the printed materials described by Section 171.014 may be viewed as required by Section 171.014(e).

SECTION 3. Subchapter B, Chapter 171, Health and Safety Code, is amended by adding Sections 171.0121, 171.0122, 171.0123, and 171.0124 to read as follows:

Sec. 171.0121. MEDICAL RECORD. (a) Before the abortion begins, a copy of the signed, written certification received by the physician under Section 171.012(a)(6) must be placed in the pregnant woman's medical records.

(b) A copy of the signed, written certification required under Sections 171.012(a)(5) and (6) shall be retained by the facility where the abortion is performed until:

(1) the seventh anniversary of the date it is signed; or

(2) if the pregnant woman is a minor, the later of:

(A) the seventh anniversary of the date it is signed; or

(B) the woman's 21st birthday.

Sec. 171.0122. VIEWING PRINTED MATERIALS AND SONOGRAM IMAGE; HEARING HEART AUSCULTATION OR VERBAL EXPLANATION. (a) A pregnant woman may choose not to view the printed materials provided under Section 171.012(a)(3) after she has been provided the materials.

(b) A pregnant woman may choose not to view the sonogram images required to be provided to and reviewed with the pregnant woman under Section 171.012(a)(4).

(c) A pregnant woman may choose not to hear the heart auscultation required to be provided to and reviewed with the pregnant woman under Section 171.012(a)(4).

(d) A pregnant woman may choose not to receive the verbal explanation of the results of the sonogram images under Section 171.012(a)(4)(C) if:

(1) the woman's pregnancy is a result of a sexual assault, incest, or other violation of the Penal Code that has been reported to law enforcement authorities or that has not been reported because she has a reason that she declines to reveal because she reasonably believes that to do so would put her at risk of retaliation resulting in serious bodily injury;

(2) the woman is a minor and obtaining an abortion in accordance with judicial bypass procedures under Chapter 33, Family Code; or

(3) the fetus has an irreversible medical condition or abnormality, as previously identified by reliable diagnostic procedures and documented in the woman's medical file.

(e) The physician and the pregnant woman are not subject to a penalty under this chapter solely because the pregnant woman chooses not to view the printed materials or the sonogram images, hear the heart auscultation, or receive the verbal explanation, if waived as provided by this section.

Sec. 171.0123. PATERNITY AND CHILD SUPPORT INFORMATION. If, after being provided with a sonogram and the information required under this subchapter, the pregnant woman chooses not to have an abortion, the physician or an agent of the physician shall provide the pregnant woman with a publication developed by the Title IV-D agency that provides information about paternity establishment and child support, including:

(1) the steps necessary for unmarried parents to establish legal paternity;

(2) the benefits of paternity establishment for children;

(3) the steps necessary to obtain a child support order;

(4) the benefits of establishing a legal parenting order; and

(5) financial and legal responsibilities of parenting.

Sec. 171.0124. EXCEPTION FOR MEDICAL EMERGENCY. A physician may perform an abortion without obtaining informed consent under this subchapter in a medical emergency. A physician who performs an abortion in a medical emergency shall:

(1) include in the patient's medical records a statement signed by the physician certifying the nature of the medical emergency; and

(2) not later than the 30th day after the date the abortion is performed, certify to the Department of State Health Services the specific medical condition that constituted the emergency.

SECTION 4. Section 171.013(a), Health and Safety Code, is amended to read as follows:

(a) The ~~[If the woman chooses to view the materials described by Section 171.014, the]~~ physician or the physician's agent shall furnish copies of the materials described by Section 171.014 to the pregnant woman ~~[her]~~ at least 24 hours before the abortion is to be performed and shall direct the pregnant woman to the Internet website required to be published under Section 171.014(e). The ~~[A]~~ physician or the physician's agent may furnish the materials to the pregnant woman by mail if the materials are mailed, restricted delivery to addressee, at least 72 hours before the abortion is to be performed.

SECTION 5. Section 171.015, Health and Safety Code, is amended to read as follows:

Sec. 171.015. INFORMATION RELATING TO PUBLIC AND PRIVATE AGENCIES. The informational materials must include ~~[either]~~:

(1) geographically indexed materials designed to inform the pregnant woman of public and private agencies and services that:

(A) are available to assist a woman through pregnancy, childbirth, and the child's dependency, including:

(i) a comprehensive list of adoption agencies;

(ii) a description of the services the adoption agencies offer; ~~[and]~~

(iii) a description of the manner, including telephone numbers, in which an adoption agency may be contacted; and

(iv) a comprehensive list of agencies and organizations that offer sonogram services at no cost to the pregnant woman;

(B) do not provide abortions or abortion-related services or make referrals to abortion providers; and

(C) are not affiliated with organizations that provide abortions or abortion-related services or make referrals to abortion providers; and ~~[or]~~

(2) a toll-free, 24-hour telephone number that may be called to obtain an oral list and description of agencies described by Subdivision (1) that are located near the caller and of the services the agencies offer.

SECTION 6. Subchapter A, Chapter 241, Health and Safety Code, is amended by adding Section 241.007 to read as follows:

Sec. 241.007. COMPLIANCE WITH CERTAIN REQUIREMENTS REGARDING SONOGRAM BEFORE ABORTION. A hospital shall comply with Subchapter B, Chapter 171.

SECTION 7. Subchapter A, Chapter 243, Health and Safety Code, is amended by adding Section 243.017 to read as follows:

Sec. 243.017. COMPLIANCE WITH CERTAIN REQUIREMENTS REGARDING SONOGRAM BEFORE ABORTION. An ambulatory surgical center shall comply with Subchapter B, Chapter 171.

SECTION 8. Section 245.006(a), Health and Safety Code, is amended to read as follows:

(a) The department shall ~~[may]~~ inspect an abortion facility at random, unannounced, and reasonable times as necessary to ensure compliance with this chapter and Subchapter B, Chapter 171.

SECTION 9. Chapter 245, Health and Safety Code, is amended by adding Section 245.024 to read as follows:

Sec. 245.024. COMPLIANCE WITH CERTAIN REQUIREMENTS REGARDING SONOGRAM BEFORE ABORTION. An abortion facility shall comply with Subchapter B, Chapter 171.

SECTION 10. Section 164.055(a), Occupations Code, is amended to read as follows:

(a) The board shall ~~[may]~~ take an appropriate disciplinary action against a physician who violates Section 170.002 or Chapter 171, Health and Safety Code. The board shall ~~[may]~~ refuse to admit to examination or refuse to issue a license or renewal license to a person who violates that section or chapter.

SECTION 11. Subchapter B, Chapter 164, Occupations Code, is amended by adding Section 164.0551 to read as follows:

Sec. 164.0551. COMPLIANCE WITH CERTAIN REQUIREMENTS REGARDING SONOGRAM BEFORE ABORTION. A physician shall comply with Subchapter B, Chapter 171, Health and Safety Code.

SECTION 12. The purposes of this Act include, but are not limited to:

- (1) protecting the physical and psychological health and well-being of pregnant women;
- (2) providing pregnant women access to information that would allow her to consider the impact an abortion would have on her unborn child; and
- (3) protecting the integrity and ethical standards of the medical profession.

SECTION 13. The change in law made by this Act applies only to an abortion performed on or after the 30th day after the effective date of this Act. An abortion performed before the 30th day after the effective date of this Act is governed by the law in effect on the date the abortion was performed, and the former law is continued in effect for that purpose.

SECTION 14. The Title IV-D agency shall publish the information required by Section 171.0123, Health and Safety Code, as added by this Act, not later than the 30th day after the effective date of this Act.

SECTION 15. Every provision in this Act and every application of the provisions in this Act are severable from each other. If any application of any provision in this Act to any person or group of persons or circumstances is found by a court to be invalid, the remainder of this Act and the application of the Act's provisions to all other persons and circumstances may not be affected. All constitutionally valid applications of this Act shall be severed from any applications that a court finds to be invalid, leaving the valid applications in force, because it is the legislature's intent and priority that the valid applications be allowed to stand alone. Even if a reviewing court finds a provision of this Act invalid in a large or substantial fraction of relevant cases, the remaining valid applications shall be severed and allowed to remain in force.

SECTION 16. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2011.

The amendment to **CSHB 15** was read.

Senator Van de Putte offered the following amendment to Floor Amendment No. 1:

Floor Amendment No. 2

Amend Floor Amendment No. 1 to **CSHB 15** in SECTION 1 of the amendment by striking amended Section 171.002(3), Health and Safety Code, and substituting the following:

(3) "Medical emergency" means a condition that a physician concludes, on the basis of the physician's good faith clinical judgment, complicates the medical condition of the pregnant woman and necessitates the abortion of her pregnancy to avert her death or to avoid a serious risk of substantial impairment of a major bodily function.

The amendment to Floor Amendment No. 1 to **CSHB 15** was read.

(President in Chair)

On motion of Senator Patrick, Floor Amendment No. 2 was tabled by the following vote: Yeas 19, Nays 12.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Uresti, Williams.

Nays: Davis, Ellis, Gallegos, Hinojosa, Lucio, Rodriguez, Van de Putte, Watson, Wentworth, West, Whitmire, Zaffirini.

Senator Davis offered the following amendment to Floor Amendment No. 1:

Floor Amendment No. 3

Amend Floor Amendment No. 1 by Patrick to **CSHB 15** (senate committee report) in SECTION 2 of the amendment as follows:

(1) In amended Section 171.012(a)(1), Health and Safety Code, strike "~~[or the referring physician]~~" and substitute "or the referring physician".

(2) In amended Section 171.012(a)(1)(A), Health and Safety Code, strike "physician's name [~~of the physician who will perform the abortion]~~" and substitute "name of the physician who will perform the abortion".

(3) In amended Section 171.012(a)(3), Health and Safety Code, strike "abortion or the physician's agent." and substitute "abortion, the referring physician, or either physician's agent.".

(4) In amended Section 171.012(a)(4)(A), Health and Safety Code, strike "abortion or an agent of the physician" and substitute "abortion, the referring physician, or an agent of either physician".

(5) In amended Section 171.012(a)(4)(B), Health and Safety Code, after "abortion", insert "or the referring physician".

(6) In amended Section 171.012(a)(4)(C), Health and Safety Code, after "abortion", insert "or the referring physician".

(7) In amended Section 171.012(a)(4)(D), Health and Safety Code, strike "abortion or an agent of the physician" and substitute "abortion, the referring physician, or an agent of either physician".

The amendment to Floor Amendment No. 1 to **CSHB 15** was read.

On motion of Senator Patrick, Floor Amendment No. 3 was tabled by the following vote: Yeas 20, Nays 11.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Uresti, Williams.

Nays: Davis, Ellis, Gallegos, Hinojosa, Rodriguez, Van de Putte, Watson, Wentworth, West, Whitmire, Zaffirini.

Senator Davis offered the following amendment to Floor Amendment No. 1:

Floor Amendment No. 4

Amend Floor Amendment No. 1 by Patrick to **CSHB 15** (senate committee report) in SECTION 2 of the amendment as follows:

(1) In added Section 171.012(a)(4), Health and Safety Code, strike "nearest abortion provider:" and substitute "nearest abortion provider that is a facility licensed under Chapter 245:".

(2) In added Section 171.012(a)(5), Health and Safety Code, strike "NEAREST ABORTION PROVIDER" and substitute "NEAREST ABORTION PROVIDER THAT IS A FACILITY LICENSED UNDER CHAPTER 245".

(3) In amended Section 171.012(b)(2), Health and Safety Code, strike "nearest abortion provider" and substitute "nearest abortion provider that is a facility licensed under Chapter 245".

The amendment to Floor Amendment No. 1 to **CSHB 15** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 4.

Senator Davis offered the following amendment to Floor Amendment No. 1:

Floor Amendment No. 5

Amend Floor Amendment No. 1 to **CSHB 15** by:

(1) Adding the following in Section 2, on page 4, line 22, after "IMAGES.":

"I ELECT TO VIEW NOT TO VIEW THE SONOGRAM IMAGES."

(2) Adding the following in Section 2, on page 4, line 24, after "HEARTBEAT.":

"I ELECT TO HEAR NOT TO HEAR THE HEARTBEAT."

The amendment to Floor Amendment No. 1 to **CSHB 15** was read.

On motion of Senator Patrick, Floor Amendment No. 5 was tabled by the following vote: Yeas 19, Nays 12.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Uresti, Williams.

Nays: Davis, Ellis, Gallegos, Hinojosa, Lucio, Rodriguez, Van de Putte, Watson, Wentworth, West, Whitmire, Zaffirini.

Senator Rodriguez offered the following amendment to Floor Amendment No. 1:

Floor Amendment No. 6

Amend Floor Amendment No. 1 by Patrick to **CSHB 15** (senate committee printing) as follows:

(1) In SECTION 2 of the amendment, in added Section 171.012(a)(4)(A), Health and Safety Code, strike "who is also a sonographer certified by a national registry of medical sonographers".

(2) In SECTION 2 of the amendment, in added Section 171.012(a)(4)(D), Health and Safety Code, strike "who is also a sonographer certified by a national registry of medical sonographers".

The amendment to Floor Amendment No. 1 to **CSHB 15** was read.

On motion of Senator Patrick, Floor Amendment No. 6 was tabled by the following vote: Yeas 19, Nays 12.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Uresti, Williams.

Nays: Davis, Ellis, Gallegos, Hinojosa, Lucio, Rodriguez, Van de Putte, Watson, Wentworth, West, Whitmire, Zaffirini.

Senator Rodriguez offered the following amendment to Floor Amendment No. 1:

Floor Amendment No. 7

Amend Floor Amendment No. 1 by Patrick to **CSHB 15** (senate committee printing) in SECTION 5 of the amendment, in added Section 171.015(1)(A)(iv), Health and Safety Code, between "services" and "at", by inserting "provided by sonographers certified by a national registry of medical sonographers".

The amendment to Floor Amendment No. 1 to **CSHB 15** was read.

On motion of Senator Patrick, Floor Amendment No. 7 was tabled by the following vote: Yeas 20, Nays 11.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Uresti, Williams.

Nays: Davis, Ellis, Gallegos, Hinojosa, Rodriguez, Van de Putte, Watson, Wentworth, West, Whitmire, Zaffirini.

Question recurring on the adoption of Floor Amendment No. 1 as amended to **CSHB 15**, the amendment was adopted by the following vote: Yeas 21, Nays 10.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Uresti, Williams, Zaffirini.

Nays: Davis, Ellis, Gallegos, Hinojosa, Rodriguez, Van de Putte, Watson, Wentworth, West, Whitmire.

On motion of Senator Patrick and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSHB 15 as amended was passed to third reading by the following vote: Yeas 21, Nays 10. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 462 ON THIRD READING**

The President laid before the Senate **CSSB 462** by Senator West on its third reading. The bill had been read third time and further consideration postponed to a time certain of 12:45 p.m. today:

CSSB 462, Relating to the expunction of records and files relating to a person's arrest.

Question — Shall **CSSB 462** be finally passed?

Senator Huffman offered the following amendment to the bill:

Floor Amendment No. 1 on Third Reading

Amend **CSSB 462** on third reading, (senate committee report) in SECTION 1 of the bill, in amended Article 55.01, Code of Criminal Procedure (page 2, between lines 13 and 14), by inserting the following new subsection (a-2) accordingly:

(a-2) Notwithstanding any other provision of this article, a defendant, who intentionally or knowingly absconds the jurisdiction after being released following arrest according to Article 17 Code of Criminal Procedure, is not eligible for an expunction under Article 55.01(a)(2)(A)(i)(a) or Article 55.01(a)(2)(B).

The amendment to **CSSB 462** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 on Third Reading.

On motion of Senator West and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 462 as amended was finally passed by the following vote: Yeas 26, Nays 4.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Gallegos, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nichols, Ogden, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Zaffirini.

Nays: Fraser, Harris, Nelson, Patrick.

Absent: Williams.

(Senator Eltife in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 1864 ON SECOND READING**

Senator Davis moved to suspend the regular order of business to take up for consideration **CSSB 1864** at this time on its second reading:

CSSB 1864, Relating to the awarding of contracts by the Texas Department of Transportation to private sector providers.

The motion prevailed.

Senators Birdwell, Fraser, Nelson, Nichols, and Patrick asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Davis offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1864** (senate committee report) in SECTION 1 of the bill, in added Section 223.049, Transportation Code (page 1, between lines 31 and 32), by inserting the following:

(c) This section does not apply to the procurement of professional services under Subchapter A, Chapter 2254, Government Code.

The amendment to **CSSB 1864** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Davis and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1864 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Birdwell, Fraser, Nelson, Nichols, Patrick.

**COMMITTEE SUBSTITUTE
SENATE BILL 1864 ON THIRD READING**

Senator Davis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1864** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 6.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Ogden, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Fraser, Nelson, Nichols, Patrick, Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1864**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1864** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed.

Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 26, Nays 5.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Ogden, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Fraser, Nelson, Nichols, Patrick.

BILLS AND RESOLUTION SIGNED

The Presiding Officer announced the signing of the following enrolled bills and resolution in the presence of the Senate after the captions had been read:

SB 423, SB 693, HB 314, HB 367, HB 861, HB 1409, HCR 140.

COMMITTEE SUBSTITUTE HOUSE BILL 1555 ON SECOND READING

On motion of Senator Ellis and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 1555** at this time on its second reading:

CSHB 1555, Relating to the first day of instruction in certain school districts that provide additional days of instruction financed with local funds.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

COMMITTEE SUBSTITUTE HOUSE BILL 1555 ON THIRD READING

Senator Ellis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 1555** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSHB 1555**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying

the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSHB 1555** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

REMARKS ORDERED PRINTED

On motion of Senator Gallegos and by unanimous consent, the exchange between Senators Ellis and Gallegos regarding **CSHB 1555** was ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator Gallegos: Senator Ellis, I didn't know you were going to bring this bill up today, trying to sneak it by me. I did want to, just for purposes of, is this the Apollo 20 bill?

Senator Ellis: Senator, let me tell you what it does, as it passed the House unanimously—

Senator Gallegos: —yes or no?

Senator Ellis: Let me walk—

Senator Gallegos: Is it the Apollo 20—

Senator Ellis: —it is.

Senator Gallegos: —Program bill?

Senator Ellis: It is.

Senator Gallegos: Okay, go ahead, I'm just—

Senator Ellis: Yeah. So what this bill does is allow a district with a student population of 150,000 or more to begin school before the fourth Monday in August at not more than 20 percent of the campuses with local funds. So for the benefit of others, I know you're very familiar with it, Senator Gallegos, but this is a bill to let low-performing schools in Houston, the Apollo Program, start school early to let those kids in these low-performing schools prepare for their standardized tests to bring those schools out. It has been very highly acclaimed in Houston, a tremendous amount of money has been donated from the private sector to help these schools. It's essentially letting these schools do what charter schools do, and do very well. The kids are graded. They will go to school on weekends. They do extensive tutoring. They have a longer school day, and, in Houston, they were able to get a waiver for the first year of the program from TEA, but a couple of these schools are now doing slightly better. They're barely off the bubble. And so, what this does is give them some certainty for these low-performing schools, to give these kids a shot at life. As

an example, in this past year, a couple of the schools, somewhere in the neighborhood of 90 percent of the kids at these schools were accepted to colleges. And these are schools that normally, the kids would, probably, unfortunately, be in the pipeline, they head to the Texas Department of Corrections, instead of going to college. So it's been tremendously successful in Houston, and this simply gives them the latitude to be able to continue this fine program. And I think that's why it managed to make it out of the House unanimously.

Senator Gallegos: Senator Ellis, I just saw a review that came out in the news where it had some of the data on the Apollo 20 Program was mixed. You know, and a lot of it was positive, and a lot of data is not inclusive, and a lot of data was not in. A lot of the data was not in, and that really concerned me, when you're putting that much money into a program that has some of the data that's coming in is conclusive, but the other is not conclusive. And with that much money going into these programs, it concerns me that a full analysis has not been done on these types of programs, where you're spending a lot of money on these programs, where you get an analysis that's inconclusive. I don't like inconclusive data, especially when you're, the money that you're talking about, private donations, and regular GR money that's going in. But, I think the purpose behind your bill, I do appreciate it, and I support, I just wanted it for legislative intent, that under this bill, that it is your intention that it only target low-performing schools. Is that your intent?

Senator Ellis: That is correct, Senator.

Senator Gallegos: Okay, only low-performing schools under this program.

Senator Ellis: Yeah, Senator, what we're trying to do is, as you will recall—

Senator Gallegos: That was—

Senator Ellis: —the No Child Left Behind Act.

Senator Gallegos: —that was a yes.

Senator Ellis: That is my intent. Yeah, under the No Child Left Behind Act, if a school is deemed unsatisfactory for a given period of time, the school district has no choice other than to close that school. So as an example, with Sam Houston High School in your district, they had to close it. And the school district spent five million dollars to implement all of the reform measures required by the Texas Education Agency because of federal law and laws we put in place. Now, that was five million dollars for one high school. In the Apollo Program, nine schools in Apollo cost 8.4 million dollars and that has been money they have raised. So I think you raise a valid point. It does cost, but it would've cost a heck of a lot more if they have to shut down those nine schools, if they would've spent on those nine schools what they spent on that one that happens to be in your district, that would've been 45 million dollars instead of spending 8.4 so that, hopefully, we won't have to close these schools down. And so far, to be honest with you, Senator, it's been a tremendous success now, if you just suppose that with having to shut down one of those schools. And we all hope, with the help of all of us here in the Legislature, we won't have to shut down any of

those schools. But, it costs far more to shut a school down and reopen, as was the case with Sam Houston in your district, than it cost us to try to keep these schools open and improve the performance.

Senator Gallegos: I understand what happened at Sam Houston in my district. I do understand what went on there, but I'm not here to debate Sam Houston. We're here to discuss your bill. And, I just, like I said, for legislative intent, that you are targeting low-performing schools—

Senator Ellis: That's correct, Senator.

Senator Gallegos: —okay.

Senator Ellis: Only low-performing schools.

Senator Gallegos: And I just want to make sure, clarify that, and I'm going to ask the President to put that in the Journal for legislative intent. But also, Senator Ellis, the people that are overseeing the Apollo Program, there's questions that we have asked, that we're not getting on who is being paid to oversee these programs and how much they're receiving on these programs. And, you know, I believe that the public deserves a right to know when they're overseeing a public school, in a program, when they're overseeing a public school. I believe that the public needs to know who's getting paid and how much. And who's overseeing the program, and that, you know, those are the questions that I still have not had answered. Can you get that information to me?

Senator Ellis: Senator, I really think, to be honest with you, that Chairwoman Shapiro might be in a better position to respond to that than I am. I know you mentioned in committee, you probably go to HISD a lot more than I do. I mean, I did tour one—

Senator Gallegos: I'm there every meeting that I can be.

Senator Ellis: —yeah. I did tour one of these Apollo schools on my way back to Austin a couple of weeks ago, but the Chairwoman, in terms of some of the legislation she has passed on accountability measures and transparency, I think—

Senator Gallegos: Yeah.

Senator Ellis: —she might be in a better position to help you get any information that you're not getting. But I'll be more than happy to ask for you.

Senator Gallegos: Well, when you were Chairman of Finance, and you asked how much certain people were getting paid, weren't you given that answer?

Senator Ellis: Senator, that was so long ago, I can't remember now. Seems like a distant memory in Senator Ogden's mind, as well as in my mind.

Senator Gallegos: But when you asked for that, for that question to be answered, and you asked how much money that person was making, you were given an answer, weren't you?

Senator Ellis: Yeah, I would think that any of us, Senator Gallegos, in terms of the transparency, if you don't get it, you can always ask for it as Senator Zaffirini did under the Open Records Law.

Senator Gallegos: Yeah.

Senator Ellis: I mean, any, if somebody won't give you something that you asked for, I just say to you—

Senator Gallegos: On that thought—

Senator Ellis: —send that request in, and they'll get it to you pretty quick.

Senator Gallegos: —and that's all I'm asking for, is how much money these people that are overseeing the Apollo Program in my district, some of these schools in my district they're overseeing, I'm just asking how much they're making.

Senator Ellis: Yeah, I don't know, but I'll work with you. If you want to do a joint letter to ask for, you do—

Senator Gallegos: Yeah.

Senator Ellis: —a draft, let me look at it—

Senator Gallegos: That's fine.

Senator Ellis: —I'll be more than happy to sign it with you.

Senator Gallegos: Don't have a problem. Okay.

Senator Ellis: Thank you.

COMMITTEE SUBSTITUTE SENATE BILL 1206 ON SECOND READING

On motion of Senator Deuell and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1206** at this time on its second reading:

CSSB 1206, Relating to medical care and public health services provided by a health care professional in a licensed freestanding emergency medical care facility.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 1206 ON THIRD READING

Senator Deuell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1206** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1206**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1206** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

PERMISSION TO INTRODUCE BILLS AND RESOLUTION (Motion In Writing)

On motion of Senator Whitmire and by unanimous consent, Senate Rule 7.07(b) was suspended to permit the introduction of the following bills and resolution: **SB 1923, SB 1924, SB 1925, SB 1926, SCR 49.**

NOTICE GIVEN FOR LOCAL AND UNCONTESTED CALENDAR

Senator Uresti announced that a Local and Uncontested Calendar had been furnished to each Member of the Senate. He then gave notice that the Local and Uncontested Calendar Session would be held at 8:00 a.m. Thursday, May 5, 2011, and that all bills and resolutions would be considered on second and third reading in the order in which they were listed.

MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 3:06 p.m. agreed to adjourn, in memory of J. D. Tippit, Ira Benjamin Laningham IV, and Janie Cuellar Salinas, upon completion of the introduction of bills and resolutions on first reading, until 11:00 a.m. tomorrow.

SENATE BILLS AND RESOLUTION ON FIRST READING

The following bills and resolution were introduced, read first time, and referred to the committees indicated:

SB 1923 by Wentworth

Relating to providing that certain travel vouchers submitted by peace officers assigned to a protective detail are confidential.

To Committee on Open Government.

SB 1924 by Uresti

Relating to concurrent state and federal jurisdiction over certain units of the national park system in this state.

To Committee on Agriculture and Rural Affairs.

SB 1925 by Eltife

Relating to the designation of a portion of U.S. Highway 271 as the Sergeant Jay M. Hoskins Memorial Highway.

To Committee on Transportation and Homeland Security.

SB 1926 by Lucio

Relating to the Colonel H. William "Bill" Card, Jr., Outpatient Clinic.

To Committee on International Relations and Trade.

SCR 49 by Wentworth

Granting Jacqueline A. Carrizales permission to sue the San Antonio Water System.

To Committee on Jurisprudence.

HOUSE BILLS ON FIRST READING

The following bills received from the House were read first time and referred to the committees indicated:

HB 78 to Committee on Transportation and Homeland Security.

HB 150 to Committee on Redistricting.

HB 232 to Committee on Intergovernmental Relations.

HB 343 to Committee on Transportation and Homeland Security.

HB 625 to Committee on State Affairs.

HB 707 to Committee on Intergovernmental Relations.

HB 718 to Committee on Criminal Justice.

HB 782 to Committee on Intergovernmental Relations.

HB 788 to Committee on Health and Human Services.

HB 812 to Committee on Transportation and Homeland Security.

HB 844 to Committee on Intergovernmental Relations.

HB 858 to Committee on Intergovernmental Relations.

HB 887 to Committee on Transportation and Homeland Security.

HB 901 to Committee on Jurisprudence.

HB 927 to Committee on Criminal Justice.

HB 976 to Committee on Criminal Justice.

HB 990 to Committee on Economic Development.

HB 1048 to Committee on Jurisprudence.

HB 1057 to Committee on Intergovernmental Relations.

HB 1094 to Committee on State Affairs.

HB 1103 to Committee on Criminal Justice.

HB 1123 to Committee on Business and Commerce.

HB 1235 to Committee on Transportation and Homeland Security.

HB 1267 to Committee on Intergovernmental Relations.

HB 1274 to Committee on Administration.

HB 1371 to Committee on Intergovernmental Relations.

HB 1385 to Committee on Transportation and Homeland Security.

- HB 1403** to Committee on Natural Resources.
- HB 1449** to Committee on Agriculture and Rural Affairs.
- HB 1450** to Committee on Agriculture and Rural Affairs.
- HB 1503** to Committee on State Affairs.
- HB 1514** to Committee on Veteran Affairs and Military Installations.
- HB 1523** to Committee on Transportation and Homeland Security.
- HB 1631** to Committee on State Affairs.
- HB 1711** to Committee on Economic Development.
- HB 2080** to Committee on Transportation and Homeland Security.
- HB 2857** to Committee on Intergovernmental Relations.
- HB 2907** to Committee on Higher Education.
- HB 3049** to Committee on Transportation and Homeland Security.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 18**

Senator Estes submitted the following Conference Committee Report:

Austin, Texas
May 2, 2011

Honorable David Dewhurst
President of the Senate

Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **SB 18** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

ESTES
DUNCAN
HARRIS
LUCIO
WHITMIRE
On the part of the Senate

GEREN
HARDCASTLE
OLIVEIRA
RITTER
SHEFFIELD
On the part of the House

**A BILL TO BE ENTITLED
AN ACT**

relating to the use of eminent domain authority.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 11.155(a), Education Code, is amended to read as follows:

(a) An independent school district may, by the exercise of the right of eminent domain, acquire the fee simple title to real property [~~for the purpose of securing sites~~] on which to construct school buildings or for any other public use [~~purpose~~] necessary for the district.

SECTION 2. Chapter 2206, Government Code, is amended to read as follows:

CHAPTER 2206. ~~LIMITATIONS ON USE OF~~ EMINENT DOMAIN
 SUBCHAPTER A. LIMITATIONS ON PURPOSE AND USE OF PROPERTY
 ACQUIRED THROUGH EMINENT DOMAIN

Sec. 2206.001. LIMITATION ON EMINENT DOMAIN FOR PRIVATE PARTIES OR ECONOMIC DEVELOPMENT PURPOSES. (a) This section applies to the use of eminent domain under the laws of this state, including a local or special law, by any governmental or private entity, including:

(1) a state agency, including an institution of higher education as defined by Section 61.003, Education Code;

(2) a political subdivision of this state; or

(3) a corporation created by a governmental entity to act on behalf of the entity.

(b) A governmental or private entity may not take private property through the use of eminent domain if the taking:

(1) confers a private benefit on a particular private party through the use of the property;

(2) is for a public use that is merely a pretext to confer a private benefit on a particular private party; ~~or~~

(3) is for economic development purposes, unless the economic development is a secondary purpose resulting from municipal community development or municipal urban renewal activities to eliminate an existing affirmative harm on society from slum or blighted areas under:

(A) Chapter 373 or 374, Local Government Code, other than an activity described by Section 373.002(b)(5), Local Government Code; or

(B) Section 311.005(a)(1)(I), Tax Code; or

(4) is not for a public use.

(c) This section does not affect the authority of an entity authorized by law to take private property through the use of eminent domain for:

(1) transportation projects, including, but not limited to, railroads, airports, or public roads or highways;

(2) entities authorized under Section 59, Article XVI, Texas Constitution, including:

(A) port authorities;

(B) navigation districts; and

(C) any other conservation or reclamation districts that act as ports;

(3) water supply, wastewater, flood control, and drainage projects;

(4) public buildings, hospitals, and parks;

(5) the provision of utility services;

(6) a sports and community venue project approved by voters at an election held on or before December 1, 2005, under Chapter 334 or 335, Local Government Code;

(7) the operations of:

(A) a common carrier pipeline ~~[subject to Chapter 111, Natural Resources Code, and Section B(3)(b), Article 2.01, Texas Business Corporation Act];~~

or

(B) an energy transporter, as that term is defined by Section 186.051, Utilities Code;

(8) a purpose authorized by Chapter 181, Utilities Code;

(9) underground storage operations subject to Chapter 91, Natural Resources Code;

(10) a waste disposal project; or

(11) a library, museum, or related facility and any infrastructure related to the facility.

(d) This section does not affect the authority of a governmental entity to condemn a leasehold estate on property owned by the governmental entity.

(e) The determination by the governmental or private entity proposing to take the property that the taking does not involve an act or circumstance prohibited by Subsection (b) does not create a presumption with respect to whether the taking involves that act or circumstance.

Sec. 2206.002. LIMITATIONS ON EASEMENTS. (a) This section applies only to an easement acquired by an entity for the purpose of a pipeline to be used for oil or gas exploration or production activities.

(b) A property owner whose property is acquired through the use of eminent domain under Chapter 21, Property Code, for the purpose of creating an easement through that owner's property may construct streets or roads, including gravel, asphalt, or concrete streets or roads, at any locations above the easement that the property owner chooses.

(c) The portion of a street or road constructed under this section that is within the area covered by the easement:

(1) must cross the easement at or near 90 degrees; and

(2) may not:

(A) exceed 40 feet in width;

(B) cause a violation of any applicable pipeline regulation; or

(C) interfere with the operation and maintenance of any pipeline.

(d) At least 30 days before the date on which construction of an asphalt or concrete street or road that will be located wholly or partly in an area covered by an easement used for a pipeline is scheduled to begin, the property owner must submit plans for the proposed construction to the owner of the easement.

(e) Notwithstanding the provisions of this section, a property owner and the owner of the easement may agree to terms other than those stated in Subsection (c).

SUBCHAPTER B. PROCEDURES REQUIRED TO INITIATE EMINENT DOMAIN PROCEEDINGS

Sec. 2206.051. SHORT TITLE. This subchapter may be cited as the Truth in Condemnation Procedures Act.

Sec. 2206.052. APPLICABILITY. The procedures in this subchapter apply only to the use of eminent domain under the laws of this state by a governmental entity.

Sec. 2206.053. VOTE ON USE OF EMINENT DOMAIN. (a) Before a governmental entity initiates a condemnation proceeding by filing a petition under Section 21.012, Property Code, the governmental entity must:

(1) authorize the initiation of the condemnation proceeding at a public meeting by a record vote; and

(2) include in the notice for the public meeting as required by Subchapter C, Chapter 551, in addition to other information as required by that subchapter, the consideration of the use of eminent domain to condemn property as an agenda item.

(b) A single ordinance, resolution, or order may be adopted for all units of property to be condemned if:

(1) the motion required by Subsection (e) indicates that the first record vote applies to all units of property to be condemned; and

(2) the minutes of the governmental entity reflect that the first vote applies to all of those units.

(c) If more than one member of the governing body objects to adopting a single ordinance, resolution, or order by a record vote for all units of property for which condemnation proceedings are to be initiated, a separate record vote must be taken for each unit of property.

(d) For the purposes of Subsections (a) and (c), if two or more units of real property are owned by the same person, the governmental entity may treat those units of property as one unit of property.

(e) The motion to adopt an ordinance, resolution, or order authorizing the initiation of condemnation proceedings under Chapter 21, Property Code, must be made in a form substantially similar to the following: "I move that the (name of governmental entity) authorize the use of the power of eminent domain to acquire (describe the property) for (describe the public use)." The description of the property required by this subsection is sufficient if the description of the location of and interest in the property that the governmental entity seeks to acquire is substantially similar to the description that is or could properly be used in a petition to condemn the property under Section 21.012, Property Code.

(f) If a project for a public use described by Section 2206.001(c)(3) will require a governmental entity to acquire multiple tracts or units of property to construct facilities connecting one location to another location, the governing body of the governmental entity may adopt a single ordinance, resolution, or order by a record vote that delegates the authority to initiate condemnation proceedings to the chief administrative official of the governmental entity.

(g) An ordinance, resolution, or order adopted under Subsection (f) is not required to identify specific properties that the governmental entity will acquire. The ordinance, resolution, or order must identify the general area to be covered by the project or the general route that will be used by the governmental entity for the project in a way that provides property owners in and around the area or along the route reasonable notice that the owners' properties may be subject to condemnation proceedings during the planning or construction of the project.

SUBCHAPTER C. EXPIRATION OF CERTAIN EMINENT DOMAIN AUTHORITY

Sec. 2206.101. REPORT OF EMINENT DOMAIN AUTHORITY;
EXPIRATION OF AUTHORITY. (a) This section does not apply to an entity that was created or that acquired the power of eminent domain on or after December 31, 2012.

(b) Not later than December 31, 2012, an entity, including a private entity, authorized by the state by a general or special law to exercise the power of eminent domain shall submit to the comptroller a letter stating that the entity is authorized by the state to exercise the power of eminent domain and identifying each provision of law that grants the entity that authority. The entity must send the letter by certified mail, return receipt requested.

(c) The authority of an entity to exercise the power of eminent domain expires on September 1, 2013, unless the entity submits a letter in accordance with Subsection (b).

(d) Not later than March 1, 2013, the comptroller shall submit to the governor, the lieutenant governor, the speaker of the house of representatives, the presiding officers of the appropriate standing committees of the senate and the house of representatives, and the Texas Legislative Council a report that contains:

(1) the name of each entity that submitted a letter in accordance with this section; and

(2) a corresponding list of the provisions granting eminent domain authority as identified by each entity that submitted a letter.

(e) The Texas Legislative Council shall prepare for consideration by the 84th Legislature, Regular Session, a nonsubstantive revision of the statutes of this state as necessary to reflect the state of the law after the expiration of an entity's eminent domain authority effective under Subsection (c).

SECTION 3. Section 251.001(a), Local Government Code, is amended to read as follows:

(a) When the governing body of a municipality considers it necessary, the municipality may exercise the right of eminent domain for a public use ~~[purpose]~~ to acquire public or private property, whether located inside or outside the municipality, for any of the following uses ~~[purposes]~~:

(1) the providing, enlarging, or improving of a municipally owned city hall; police station; jail or other law enforcement detention facility; fire station; library; school or other educational facility; academy; auditorium; hospital; sanatorium; market house; slaughterhouse; warehouse; elevator; railroad terminal; airport; ferry; ferry landing; pier; wharf; dock or other shipping facility; loading or unloading facility; alley, street, or other roadway; park, playground, or other recreational facility; square; water works system, including reservoirs, other water supply sources, watersheds, and water storage, drainage, treatment, distribution, transmission, and emptying facilities; sewage system including sewage collection, drainage, treatment, disposal, and emptying facilities; electric or gas power system; cemetery; and crematory;

(2) the determining of riparian rights relative to the municipal water works;

(3) the straightening or improving of the channel of any stream, branch, or drain;

(4) the straightening, widening, or extending of any alley, street, or other roadway; and

(5) ~~for~~ any other municipal public use ~~[purpose]~~ the governing body considers advisable.

SECTION 4. Section 261.001(a), Local Government Code, is amended to read as follows:

(a) A county may exercise the right of eminent domain to condemn and acquire land, an easement in land, or a right-of-way if the acquisition is necessary for the construction of a jail, courthouse, hospital, or library, or for another public use [purpose] authorized by law.

SECTION 5. Section 263.201(c), Local Government Code, is amended to read as follows:

(c) The declaration of taking must contain:

(1) a declaration that the land or interest in land described in the original petition is taken for a public use [purpose] and for ultimate conveyance to the United States;

(2) a description of the land sufficient for the identification of the land;

(3) a statement of the estate or interest in the land being taken;

(4) a statement of the public use to be made of the land;

(5) a plan showing the land being taken; and

(6) a statement of the amount of damages awarded by the special commissioners, or by the jury on appeal, for the taking of the land.

SECTION 6. Section 273.002, Local Government Code, is amended to read as follows:

Sec. 273.002. CONDEMNATION. Condemnation of property under this chapter shall be in accordance with state law relating to eminent domain, which may be Chapter 21, Property Code, or any other state law governing and relating to the condemnation of land for public use [purposes] by a municipality.

SECTION 7. Section 21.0111, Property Code, is amended to read as follows:

Sec. 21.0111. DISCLOSURE OF CERTAIN INFORMATION REQUIRED; INITIAL OFFER. (a) An [A governmental] entity with eminent domain authority that wants to acquire real property for a public use shall, by certified mail, return receipt requested, disclose to the property owner at the time an offer to purchase or lease the property is made any and all [existing] appraisal reports produced or acquired by the [governmental] entity relating specifically to the owner's property and prepared in the 10 years preceding the date of the [used in determining the final valuation] offer.

(b) A property owner shall disclose to the [acquiring governmental] entity seeking to acquire the property any and all current and existing appraisal reports produced or acquired by the property owner relating specifically to the owner's property and used in determining the owner's opinion of value. Such disclosure shall take place not later than the earlier of:

(1) the 10th day after the date [within 10 days] of receipt of an appraisal report; or

(2) the third business day before the date of a special commissioner's hearing if an appraisal report is to be used at the [reports but no later than 10 days prior to the special commissioner's] hearing.

(c) An entity seeking to acquire property that the entity is authorized to obtain through the use of eminent domain may not include a confidentiality provision in an offer or agreement to acquire the property. The entity shall inform the owner of the property that the owner has the right to:

(1) discuss any offer or agreement regarding the entity's acquisition of the property with others; or

(2) keep the offer or agreement confidential, unless the offer or agreement is subject to Chapter 552, Government Code.

(d) A subsequent bona fide purchaser for value from the acquiring [governmental] entity may conclusively presume that the requirement of this section has been met. This section does not apply to acquisitions of real property for which an [a governmental] entity does not have eminent domain authority.

SECTION 8. Subchapter B, Chapter 21, Property Code, is amended by adding Section 21.0113 to read as follows:

Sec. 21.0113. BONA FIDE OFFER REQUIRED. (a) An entity with eminent domain authority that wants to acquire real property for a public use must make a bona fide offer to acquire the property from the property owner voluntarily.

(b) An entity with eminent domain authority has made a bona fide offer if:

(1) an initial offer is made in writing to a property owner;

(2) a final offer is made in writing to the property owner;

(3) the final offer is made on or after the 30th day after the date on which the entity makes a written initial offer to the property owner;

(4) before making a final offer, the entity obtains a written appraisal from a certified appraiser of the value of the property being acquired and the damages, if any, to any of the property owner's remaining property;

(5) the final offer is equal to or greater than the amount of the written appraisal obtained by the entity;

(6) the following items are included with the final offer or have been previously provided to the owner by the entity:

(A) a copy of the written appraisal;

(B) a copy of the deed, easement, or other instrument conveying the property sought to be acquired; and

(C) the landowner's bill of rights statement prescribed by Section 21.0112; and

(7) the entity provides the property owner with at least 14 days to respond to the final offer and the property owner does not agree to the terms of the final offer within that period.

SECTION 9. Section 21.012, Property Code, is amended to read as follows:

Sec. 21.012. CONDEMNATION PETITION. (a) If an entity [the United States, this state, a political subdivision of this state, a corporation] with eminent domain authority[, or an irrigation, water improvement, or water power control district created by law] wants to acquire real property for public use but is unable to agree with the owner of the property on the amount of damages, the [condemning] entity may begin a condemnation proceeding by filing a petition in the proper court.

(b) The petition must:

(1) describe the property to be condemned;

(2) state with specificity the public use [~~purpose~~] for which the entity intends to acquire use the property;

(3) state the name of the owner of the property if the owner is known;

(4) state that the entity and the property owner are unable to agree on the damages; and

(5) if applicable, state that the entity provided the property owner with the landowner's bill of rights statement in accordance with Section 21.0112; and

(6) state that the entity made a bona fide offer to acquire the property from the property owner voluntarily as provided by Section 21.0113.

(c) An entity that files a petition under this section must provide a copy of the petition to the property owner by certified mail, return receipt requested.

SECTION 10. Subsection (a), Section 21.014, Property Code, is amended to read as follows:

(a) The judge of a court in which a condemnation petition is filed or to which an eminent domain case is assigned shall appoint three disinterested real property owners [~~freeholders~~] who reside in the county as special commissioners to assess the damages of the owner of the property being condemned. The judge appointing the special commissioners shall give preference to persons agreed on by the parties. The judge shall provide each party a reasonable period to strike one of the three commissioners appointed by the judge. If a person fails to serve as a commissioner or is struck by a party to the suit, the judge shall may appoint a replacement.

SECTION 11. Subsection (a), Section 21.015, Property Code, is amended to read as follows:

(a) The special commissioners in an eminent domain proceeding shall promptly schedule a hearing for the parties at the earliest practical time but may not schedule a hearing to assess damages before the 20th day after the date the special commissioners were appointed. The special commissioners shall schedule a hearing for the parties and at a place that is as near as practical to the property being condemned or at the county seat of the county in which the proceeding is being held.

SECTION 12. Subsection (b), Section 21.016, Property Code, is amended to read as follows:

(b) Notice of the hearing must be served on a party not later than the 20th [~~14th~~] day before the day set for the hearing. A person competent to testify may serve the notice.

SECTION 13. Section 21.023, Property Code, is amended to read as follows:

Sec. 21.023. DISCLOSURE OF INFORMATION REQUIRED AT TIME OF ACQUISITION. An [~~A governmental~~] entity with eminent domain authority shall disclose in writing to the property owner, at the time of acquisition of the property through eminent domain, that:

(1) the owner or the owner's heirs, successors, or assigns may be are entitled to:

(A) repurchase the property under Subchapter E [~~if the public use for which the property was acquired through eminent domain is canceled before the 10th anniversary of the date of acquisition~~]; or

(B) request from the entity certain information relating to the use of the property and any actual progress made toward that use; and

(2) the repurchase price is the price paid to the owner by the entity at the time the entity acquired the property through eminent domain ~~[fair market value of the property at the time the public use was canceled]~~.

SECTION 14. Subchapter B, Chapter 21, Property Code, is amended by adding Section 21.025 to read as follows:

Sec. 21.025. PRODUCTION OF INFORMATION BY CERTAIN ENTITIES.

(a) Notwithstanding any other law, an entity that is not subject to Chapter 552, Government Code, and is authorized by law to acquire private property through the use of eminent domain is required to produce information as provided by this section if the information is:

(1) requested by a person who owns property that is the subject of a proposed or existing eminent domain proceeding; and

(2) related to the taking of the person's private property by the entity through the use of eminent domain.

(b) An entity described by Subsection (a) is required under this section only to produce information relating to the condemnation of the specific property owned by the requestor as described in the request. A request under this section must contain sufficient details to allow the entity to identify the specific tract of land in relation to which the information is sought.

(c) The entity shall respond to a request in accordance with the Texas Rules of Civil Procedure as if the request was made in a matter pending before a state district court.

(d) Exceptions to disclosure provided by this chapter and the Texas Rules of Civil Procedure apply to the disclosure of information under this section.

(e) Jurisdiction to enforce the provisions of this section resides in:

(1) the court in which the condemnation was initiated; or

(2) if the condemnation proceeding has not been initiated:

(A) a court that would have jurisdiction over a proceeding to condemn the requestor's property; or

(B) a court with eminent domain jurisdiction in the county in which the entity has its principal place of business.

(f) If the entity refuses to produce information requested in accordance with this section and the court determines that the refusal violates this section, the court may award the requestor's reasonable attorney's fees incurred to compel the production of the information.

SECTION 15. Subsection (d), Section 21.042, Property Code, is amended to read as follows:

(d) In estimating injury or benefit under Subsection (c), the special commissioners shall consider an injury or benefit that is peculiar to the property owner and that relates to the property owner's ownership, use, or enjoyment of the particular parcel of real property, including a material impairment of direct access on or off the remaining property that affects the market value of the remaining property, but they may not consider an injury or benefit that the property owner experiences in common with the general community, including circuity of travel and diversion of

traffic. In this subsection, "direct access" means ingress and egress on or off a public road, street, or highway at a location where the remaining property adjoins that road, street, or highway.

SECTION 16. Subsections (a) and (b), Section 21.046, Property Code, are amended to read as follows:

(a) A department, agency, instrumentality, or political subdivision of this state shall ~~may~~ provide a relocation advisory service for an individual, a family, a business concern, a farming or ranching operation, or a nonprofit organization that ~~if the service~~ is compatible with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 ~~[Advisory Program]~~, 42 U.S.C.A. 4601 [23 U.S.C.A. 501], et seq.

(b) This state or a political subdivision of this state shall ~~may~~, as a cost of acquiring real property, pay moving expenses and rental supplements, make relocation payments, provide financial assistance to acquire replacement housing, and compensate for expenses incidental to the transfer of the property if an individual, a family, the personal property of a business, a farming or ranching operation, or a nonprofit organization is displaced in connection with the acquisition.

SECTION 17. The heading to Section 21.047, Property Code, is amended to read as follows:

Sec. 21.047. ASSESSMENT OF COSTS AND FEES.

SECTION 18. Section 21.047, Property Code, is amended by adding Subsection (d) to read as follows:

(d) If a court hearing a suit under this chapter determines that a condemnor did not make a bona fide offer to acquire the property from the property owner voluntarily as required by Section 21.0113, the court shall abate the suit, order the condemnor to make a bona fide offer, and order the condemnor to pay:

(1) all costs as provided by Subsection (a); and

(2) any reasonable attorney's fees and other professional fees incurred by the property owner that are directly related to the violation.

SECTION 19. Subchapter E, Chapter 21, Property Code, is amended to read as follows:

SUBCHAPTER E. REPURCHASE OF REAL PROPERTY FROM
CONDEMNING ~~[GOVERNMENTAL]~~ ENTITY

Sec. 21.101. RIGHT OF REPURCHASE [APPLICABILITY]. (a) A person from whom ~~[Except as provided in Subsection (b), this subchapter applies only to]~~ a real property interest is acquired by an ~~[a governmental]~~ entity through eminent domain for a public use, or that person's heirs, successors, or assigns, is entitled to repurchase the property as provided by this subchapter if:

(1) the public use for which the property was acquired through eminent domain is ~~[that was]~~ canceled before the property is used for that public use;

(2) no actual progress is made toward the public use for which the property was acquired between the date of acquisition and the 10th anniversary of that date; or

(3) the property becomes unnecessary for the public use for which the property was acquired, or a substantially similar public use, before the 10th anniversary of the date of acquisition.

(b) In this section, "actual progress" means the completion of two or more of the following actions:

(1) the performance of a significant amount of labor to develop the property or other property acquired for the same public use project for which the property owner's property was acquired;

(2) the provision of a significant amount of materials to develop the property or other property acquired for the same public use project for which the property owner's property was acquired;

(3) the hiring of and performance of a significant amount of work by an architect, engineer, or surveyor to prepare a plan or plat that includes the property or other property acquired for the same public use project for which the property owner's property was acquired;

(4) application for state or federal funds to develop the property or other property acquired for the same public use project for which the property owner's property was acquired;

(5) application for a state or federal permit to develop the property or other property acquired for the same public use project for which the property owner's property was acquired;

(6) the acquisition of a tract or parcel of real property adjacent to the property for the same public use project for which the owner's property was acquired;
or

(7) for a governmental entity, the adoption by a majority of the entity's governing body at a public hearing of a development plan for a public use project that indicates that the entity will not complete more than one action described by Subdivisions (1)-(6) before the 10th anniversary of the date of acquisition of the property ~~[This subchapter does not apply to a right of way under the jurisdiction of:~~

~~(1) a county;~~

~~(2) a municipality; or~~

~~(3) the Texas Department of Transportation].~~

(c) A district court may determine all issues in any suit regarding the repurchase of a real property interest acquired through eminent domain by the former property owner or the owner's heirs, successors, or assigns.

Sec. 21.102. NOTICE TO PREVIOUS PROPERTY OWNER REQUIRED ~~[AT TIME OF CANCELLATION OF PUBLIC USE]~~. Not later than the 180th day after the date an entity that acquired a real property interest through eminent domain determines that the former property owner is entitled to repurchase the property under Section 21.101 ~~[of the cancellation of the public use for which real property was acquired through eminent domain from a property owner under Subchapter B]~~, the ~~[governmental]~~ entity shall send by certified mail, return receipt requested, to the property owner or the owner's heirs, successors, or assigns a notice containing:

(1) an identification, which is not required to be a legal description, of the property that was acquired;

(2) an identification of the public use for which the property had been acquired and a statement that:

(A) the public use was ~~[has been]~~ canceled before the property was used for the public use;

(B) no actual progress was made toward the public use; or

(C) the property became unnecessary for the public use, or a substantially similar public use, before the 10th anniversary of the date of acquisition; and

(3) a description of the person's right under this subchapter to repurchase the property.

Sec. 21.1021. REQUESTS FOR INFORMATION REGARDING CONDEMNED PROPERTY. (a) On or after the 10th anniversary of the date on which real property was acquired by an entity through eminent domain, a property owner or the owner's heirs, successors, or assigns may request that the condemning entity make a determination and provide a statement and other relevant information regarding:

(1) whether the public use for which the property was acquired was canceled before the property was used for the public use;

(2) whether any actual progress was made toward the public use between the date of acquisition and the 10th anniversary of that date, including an itemized description of the progress made, if applicable; and

(3) whether the property became unnecessary for the public use, or a substantially similar public use, before the 10th anniversary of the date of acquisition.

(b) A request under this section must contain sufficient detail to allow the entity to identify the specific tract of land in relation to which the information is sought.

(c) Not later than the 90th day following the date of receipt of the request for information, the entity shall send a written response by certified mail, return receipt requested, to the requestor.

Sec. 21.1022. LIMITATIONS PERIOD FOR REPURCHASE RIGHT. Notwithstanding Section 21.103, the right to repurchase provided by this subchapter is extinguished on the first anniversary of the expiration of the period for an entity to provide notice under Section 21.102 if the entity:

(1) is required to provide notice under Section 21.102;

(2) makes a good faith effort to locate and provide notice to each person entitled to notice before the expiration of the deadline for providing notice under that section; and

(3) does not receive a response to any notice provided under that section in the period for response prescribed by Section 21.103.

Sec. 21.103. RESALE OF PROPERTY; PRICE. (a) Not later than the 180th day after the date of the postmark on a ~~the~~ notice sent under Section 21.102 or a response to a request made under Section 21.1021 that indicates that the property owner, or the owner's heirs, successors, or assigns, is entitled to repurchase the property interest in accordance with Section 21.101, the property owner or the owner's heirs, successors, or assigns must notify the ~~governmental~~ entity of the person's intent to repurchase the property interest under this subchapter.

(b) As soon as practicable after receipt of a notice of intent to repurchase ~~the notification~~ under Subsection (a), the ~~governmental~~ entity shall offer to sell the property interest to the person for the price paid to the owner by the entity at the time the entity acquired the property through eminent domain ~~fair market value of the~~

~~property at the time the public use was canceled].~~ The person's right to repurchase the property expires on the 90th day after the date on which the ~~[governmental]~~ entity makes the offer.

SECTION 20. Section 202.021, Transportation Code, is amended by adding Subsection (j) to read as follows:

(j) The standard for determination of the fair value of the state's interest in access rights to a highway right-of-way is the same legal standard that is applied by the commission in the:

(1) acquisition of access rights under Subchapter D, Chapter 203; and
(2) payment of damages in the exercise of the authority, under Subchapter C, Chapter 203, for impairment of highway access to or from real property where the real property adjoins the highway.

SECTION 21. Section 54.209, Water Code, is amended to read as follows:

Sec. 54.209. LIMITATION ON USE OF EMINENT DOMAIN. A district may not exercise the power of eminent domain outside the district boundaries to acquire:

(1) a site for a water treatment plant, water storage facility, wastewater treatment plant, or wastewater disposal plant;

(2) a site for a park, swimming pool, or other recreational facility, as defined by Section 49.462 [except a trail];

~~(3) [a site for a trail on real property designated as a homestead as defined by Section 41.002, Property Code; or~~

~~[(4)] an exclusive easement through a county regional park; or~~

~~(4) a site or easement for a road project.~~

SECTION 22. Section 1, Chapter 178 (S.B. 289), Acts of the 56th Legislature, Regular Session, 1959 (Article 3183b-1, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 1. Except as provided by this section, and notwithstanding any other law, any [Any] nonprofit corporation incorporated under the laws of this state for purely charitable purposes and which is directly affiliated or associated with a medical center having a medical school recognized by the Council on Medical Education and Hospitals of the American Medical Association as an integral part of its establishment, and which has for a purpose of its incorporation the provision or support of medical facilities or services for the use and benefit of the public, and which is situated in any county of this state having a population in excess of six hundred thousand (600,000) inhabitants according to the most recent Federal Census shall have the power of eminent domain and condemnation for the purposes set forth in Section 2 and Section 3 of this Act. A charitable corporation described by this section may not exercise the power of eminent domain and condemnation to acquire a detached, single-family residential property or a multifamily residential property that contains eight or fewer dwelling units.

SECTION 23. (a) Section 552.0037, Government Code, is repealed.

(b) Section 21.024, Property Code, is repealed.

SECTION 24. Section 11.155, Education Code, Chapter 2206, Government Code, Sections 251.001, 261.001, 263.201, and 273.002, Local Government Code, Chapter 21, Property Code, and Section 1, Chapter 178 (S.B. 289), Acts of the 56th Legislature, Regular Session, 1959 (Article 3183b-1, Vernon's Texas Civil Statutes),

as amended by this Act, apply only to a condemnation proceeding in which the petition is filed on or after the effective date of this Act and to any property condemned through the proceeding. A condemnation proceeding in which the petition is filed before the effective date of this Act and any property condemned through the proceeding are governed by the law in effect immediately before that date, and that law is continued in effect for that purpose.

SECTION 25. The change in law made by this Act to Section 202.021, Transportation Code, applies only to a sale or transfer under that section that occurs on or after the effective date of this Act. A sale or transfer that occurs before the effective date of this Act is governed by the law applicable to the sale or transfer immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 26. The changes in law made by this Act to Section 54.209, Water Code, apply only to a condemnation proceeding in which the petition is filed on or after the effective date of this Act. A condemnation proceeding in which the petition is filed before the effective date of this Act is governed by the law in effect on the date the petition was filed, and that law is continued in effect for that purpose.

SECTION 27. This Act takes effect September 1, 2011.

The Conference Committee Report on **SB 18** was filed with the Secretary of the Senate.

CO-AUTHOR OF SENATE BILL 288

On motion of Senator Lucio, Senator Williams will be shown as Co-author of **SB 288**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolution

SR 887 by Ellis, In memory of Porter Renfro, Jr., of Houston.

Congratulatory Resolutions

SCR 50 by Watson, Congratulating Bobby R. Inman for receiving the Joe M. Kilgore Award for Public Service.

SR 888 by Ellis, Recognizing the dedication of a Texas Historical Marker for the clubhouse in Houston of the Married Ladies Social, Art, and Charity Club of America.

SR 890 by Harris, Recognizing Six Flags Over Texas on the occasion of its 50th anniversary.

SR 891 by Harris, Congratulating the Marcus High School Marauders boys' basketball team for winning a state championship.

SR 894 by Nichols, Congratulating Ray Neal McEachern of San Augustine for receiving the Pioneer Award from the San Augustine County Professional Rodeo Cowboys Association.

Official Designation Resolutions

SR 886 by Nichols, Hinojosa, and Nelson, Observing May of 2011 as Fight Arthritis Pain Month in Texas.

SR 895 by Nelson, Proclaiming May of 2011 to be Elder Abuse Prevention Month in Texas.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 3:10 p.m. adjourned, in memory of J. D. Tippit, Ira Benjamin Laningham IV, and Janie Cuellar Salinas, until 11:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Secretary of the Senate in the order listed:

May 2, 2011

VETERAN AFFAIRS AND MILITARY INSTALLATIONS — **SB 34, SB 451, SB 1621, CSSB 1737, CSHB 447**

CRIMINAL JUSTICE — **CSSB 146, CSSB 931**

INTERGOVERNMENTAL RELATIONS — **CSSB 1234**

TRANSPORTATION AND HOMELAND SECURITY — **CSSB 1695, CSSB 1698**

GOVERNMENT ORGANIZATION — **SB 649, SB 665**

OPEN GOVERNMENT — **CSSB 1571, CSSB 669, CSSB 1907**

INTERNATIONAL RELATIONS AND TRADE — **SB 1908, SB 1922**

FINANCE — **CSHB 4**

TRANSPORTATION AND HOMELAND SECURITY — **CSSB 1696**

BILLS ENGROSSED

April 29, 2011

SB 35, SB 152, SB 506, SB 530, SB 533, SB 615, SB 637, SB 710, SB 841, SB 1066, SB 1104, SB 1107, SB 1200, SB 1414, SB 1443, SB 1450, SB 1472, SB 1511, SB 1534, SB 1560, SB 1580, SB 1582, SB 1608, SB 1667, SB 1681, SB 1686, SB 1798, SB 1811

BILLS AND RESOLUTIONS ENROLLEDApril 29, 2011**SB 423, SB 693, SR 831, SR 865, SR 875, SR 876, SR 877, SR 879, SR 880,
SR 881, SR 882, SR 883**

In Memory
of
J. D. Tippit
Senate Resolution 845

WHEREAS, The Senate of the State of Texas pays tribute to the life and heroism of Officer J. D. Tippit of the Dallas Police Department, who died November 22, 1963; and

WHEREAS, Officer Tippit was on patrol in Dallas when President John F. Kennedy was assassinated and he responded to the all-points bulletin that followed; and

WHEREAS, He intercepted Lee Harvey Oswald on a street in Oak Cliff; while Officer Tippit was attempting to question or arrest him, Lee Harvey Oswald pulled a handgun and shot Officer Tippit; and

WHEREAS, Officer Tippit was mortally wounded; Lee Harvey Oswald was subsequently apprehended when the police were alerted to the shooting of one of their comrades; and

WHEREAS, J. D. Tippit was a brave and courageous police officer who sacrificed his life in the line of duty while serving the City of Dallas and his country; his life and loss remain vivid in the hearts of those who cared for him and in the minds of those who remember the tragic happenings of the day of his death; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby honor the memory, service, bravery, and sacrifice of Officer J. D. Tippit and extend to his widow, Mrs. Marie Tippit, sincere condolences on her loss; and, be it further

RESOLVED, That a copy of this Resolution be prepared for Mrs. Tippit as an expression of deepest sympathy from the Texas Senate, and that when the Senate adjourns this day, it do so in memory of Dallas Police Officer J. D. Tippit.

CARONA

In Memory
of
Ira Benjamin Laningham IV
House Concurrent Resolution 47

WHEREAS, Words cannot express the heartache felt at the loss of U.S. Army Private First Class Ira Benjamin Laningham IV of Zapata, who died in Afghanistan on January 7, 2011, at the age of 22; and

WHEREAS, Private Laningham enlisted in the army in November 2009, deploying to Afghanistan in October 2010; he bravely served his country as a member of the 2nd Battalion, 30th Infantry Regiment, 4th Brigade Combat Team, 10th Mountain Division, and his courageous actions earned him the Bronze Star Medal, the Purple Heart, and the National Defense Service Medal; and

WHEREAS, Born in Greenfield, Massachusetts, on September 1, 1988, Ben Laningham graduated from Zapata High School, where he was trumpet section leader in the marching band and lead trumpet for Mariachi Halcon; he enjoyed playing his guitar and video games and spending time with his family and friends; and

WHEREAS, Americans owe a profound debt to our nation's servicemen and servicewomen, whose courageous efforts and enormous sacrifices are deserving of their fellow citizens' deepest respect and gratitude; through his unwavering dedication to duty and honor, Ben Laningham embodied the highest ideals of the United States Army, and memories of his love and friendship will forever be cherished by all those who held him dear; now, therefore, be it

RESOLVED, That the 82nd Legislature of the State of Texas hereby pay tribute to the life of U.S. Army Private First Class Ira Benjamin Laningham IV and extend deepest sympathy to the members of his family: to his parents, Norma and Enrique Cantu; to his siblings, Private Joseph Cantu, Enrique Cantu, and Amanda Cantu; to his grandparents, Lauro and Olinda Guerra and Humberto and Felicitas Cantu; and to his other relatives and many friends; and, be it further

RESOLVED, That an official copy of this resolution be prepared for his family and that when the Texas House of Representatives and Senate adjourn this day, they do so in memory of Private Ira Benjamin Laningham IV.

ZAFFIRINI

In Memory
of
Janie Cuellar Salinas
Senate Resolution 884

WHEREAS, The Senate of the State of Texas honors and commemorates the life of Janie Cuellar Salinas, who died June 12, 2010, at the age of 43; and

WHEREAS, Janie Cuellar was born and raised in Weslaco; she graduated from Weslaco High School in 1985 and received a bachelor's degree from North Texas State University in 1989; and

WHEREAS, Janie excelled in everything she did; she was a hardworking and dedicated employee of various businesses and was very involved in politics, campaigning successfully for family members, including her husband, J. D. Salinas III, a former Hidalgo County Judge; and

WHEREAS, She was very active in the Saint Joseph Catholic Church in Edinburg and more recently at Holy Family Catholic Church in Fort Worth; she was a positive, outgoing, and cheerful woman and made friends easily; she had already established many friendships and a sense of community in her neighborhood in Fort Worth; and

WHEREAS, Janie enjoyed cooking and scrapbooking, but most of all, she enjoyed being a mother; she was deeply involved with her children's activities and participated in races for various organizations and in fundraising for Relay for Life; and

WHEREAS, Janie Salinas was a devoted wife, mother, and sister, and she leaves behind memories that will be treasured forever by her family and her many friends; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby pay tribute to the life of Janie Cuellar Salinas and extend sincere condolences to her bereaved family: her husband, J. D. Salinas III; her children, Nicholas, Samantha, Victoria, Gianna, and Gabriella; her brothers and sisters; and her nieces and nephews; and, be it further

RESOLVED, That a copy of this Resolution be prepared for her family as an expression of deepest sympathy from the Texas Senate, and that when the Senate adjourns this day, it do so in memory of Janie Cuellar Salinas.

LUCIO
HINOJOSA

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

ADDENDUM

(FIFTY-FIRST DAY — Monday, May 2, 2011)

The following remarks regarding the recent victory of the United States in the War on Terrorism were ordered reduced to writing and printed in the *Senate Journal*:

Senator Whitmire: Mr. President, would it be proper at this time, on behalf of the entire Senate, to show our support and appreciation for our leaders, those Navy SEALs, the CIA, and everyone involved in the operation? I know there's going to be other remarks, there's going to be a resolution, I understand. Our Lieutenant Governor is out speaking to other fallen heroes' families, our police officers. But would it be proper at this time, as a body, and maybe the press, everyone that hears our words to give a standing ovation for our servicemen, our Navy, and also recognize our own hero, Senator Birdwell? I can't imagine what his emotions are today. But could I at this time ask my colleagues, and would it be proper, Mr. President, for us to stand as a group and give a standing ovation for everyone involved in the events and the success in the last 24 hours?

(Applause)

Senator Lucio: Thank you, Mr. President and Members. Thank you, Dean Whitmire, for the start of what I believe will be a day of remembrance for the young men and women who have died on the fight for terrorism. I know I've had a lot in my district, unfortunately, that have passed away fighting terrorism, but today I rise to thank President Barack Obama and the national security team. Over the weekend, Al Qaeda leader, Osama bin Laden, was killed by U.S. forces in Pakistan. No Americans were killed or injured during the operation. Through precise, well-planned operations, our military was able to remove from the world a force of evil. President Obama has called this the most, quote, the most significant achievement to date in our nation's effort to defeat Al Qaeda. I concur with Secretary of State Hillary Clinton that terrorism cannot defeat us and that terrorists can make the choice to abandon Al Qaeda and participate in a peaceful political process. In 2001, bin Laden masterminded the 9-11 attacks in which nearly 3,000 people died. It was the worst domestic attack the United States had suffered since Pearl Harbor. Those who died were Americans, immigrants, and visitors; Christians, Muslims, and Jews. So, today, we are joined by many people around the world from many different backgrounds in congratulating President Obama and his administration. We also share in breathing a solemn sigh of relief. I use the word solemn in recognition of those who have died

over the last decade combating Al Qaeda around the world. Remembering their sacrifice surely cuts short our celebrations, even as we celebrate the death of a monstrous person. We must also take a moment and remember in our prayers those Americans around the world who work in our international embassies. All U.S. embassies have been put on alert as they run the risk of being targets of revenge attacks. I also hope that as a nation, we can now move on and continue to promote the world of peace, tolerance, and understanding. This is a point in history from which America can move forward from the pain and anger we have experienced since 9-11. This is our moment to put to rest many of our fears. President Obama pointed this out when he said, we must also reaffirm that the United States is not and never will be at war with Islam. Indeed, bin Laden's body was buried at sea to conform with the Islamic practice of a burial within 24 hours, so while there is victory, there is also respect. Valor and sensitivity went hand in hand. This is the America which I am proud of. God bless the United States of America. Thank you, Mr. President, and thank you, Members.

Senator Fraser: Members, I, probably like you, last night, about ten o'clock as all this was unfolding, and I heard Linda scream at me from downstairs, they got Osama bin Laden. And we turned on the television and watching it unfold. And I have to tell you that as that was going, my mind continued to bring up the veterans that are in this body, as that, Senator, you know, Birdwell, Chuy, Carlos, Senator Ogden, Senator Wentworth, that those that have fought, you know, for us to make sure that we can meet in freedom today. But, I also thought a lot about the fact that Fort Hood and Dyess being in my district, I suspect, I've never seen the numbers on it, but I suspect during the War on Terror I think I probably have lost more constituents than anyone, because the Fort Hood guys were the first to, you know, ones to show up, and the losses were great. We have to always remember that this all started as an attack on our nation. They attacked our nation, and this actually gets very, very personal. We've got, as you know, a Member of this body that was on the receiving end of that first attack and has suffered through a lot of challenges, not only to stay alive, get back healthy, but then also to be here with us today. Is it, Senator Birdwell? This gets very personal, you know, this is personal to you, I don't know, and this is not about revenge, you know, this is about justice. You know, we're recognizing today, on behalf of you, the act that happened last night is reminding the rest of the world that there is still justice out there in this world. And we recognize very much that you being with us today, we're glad you're here. We appreciate the fact you served and the fact that we're recognizing that justice has been served.

Senator Patrick: Thank you, Mr. President and Members. Last night when the news broke, the first person that I thought about was our colleague who I had the honor of meeting almost three years ago when I was then seeing a Veterans Day event in Houston, and he was the keynote speaker. And we had not met before. Little did I know we would be serving together and voting together in many cases. And I thought how it must impact you as the rest of the country celebrated the heroics of our Navy SEAL team. And something else that I had thought about, Members, is that our Navy SEAL team didn't do it the easy way. The easy way would have been to send in a missile and take out the entire compound and not put 40 Navy SEALs at risk. We know what happened in Black Hawk Down in Somalia. We know what happened four

decades ago in an attempted rescue in the '70s. There was no guarantee every SEAL would come back. But those Navy SEALs put their lives on the line instead of firing a missile in. Because the President, which I think made the wise decision, wanted to be sure they had the right person, and the best way to do that was to put men on the ground to kill him or capture. And I'm sure as the events unfold over the next several days and we learn more, we'll see what an heroic mission it was. Forty minutes on the ground, and without, except a technical mishap, everyone came back alive. And so, I think we really, it speaks to who we are in America. We do it the right way. We never do it the easy way. Sometimes it's the hard way, but it's the right way, and that was the right way last night. So, Senator Birdwell, I join Senator Fraser and I know other colleagues who may or may not speak today, that we stand with you for these last 10 years and the recovery that you made and the 32 surgeries I believe that you had and what you and your family endured. And so, we hope that this is somewhat closure for you. And we're all proud to stand with you today at this moment as we are proud of America. Thank you, Mr. President.

Senator Hinojosa: Thank you, Mr. President and Members. Today I'm so proud of our military and the courage that our soldiers showed, as you said, Senator Patrick, going in and taking out a terrorist, a symbol of evil who had no respect for human life, no respect for our families and families all over the world. And, Senator Birdwell, as a fellow veteran, let me tell you I empathize and I share your pain, but I also share your pride, and that we finally got this terrorist who caused so much damage, so much harm to the people not only of our country but to the world. And it showed that anyone, anyone who attacks our country cannot hide, because we will never tire or give up, and we'll hunt them and find them until we bring them to justice and justice has been done.

Senator Birdwell: Thank you, Mr. President. Let me thank my fellow Members for your kind remarks, Senator Fraser, Senator Hinojosa, Senator Patrick. Last night I was doing my due diligence at about 10:30 and going through a bill book and trying to get caught up on my duties that I now have, and got a call from my chief of staff, said, turn the TV on. And that's the same way September 11th started out for my wife, Mel. There's so many things that are on my mind that I don't want to take the body's entire day here, but, Senator Fraser, you mentioned how personal it is, and that's true, it is. Not so much for me and the experience that I went through, but I think about Cheryle and Sandi and being the last person to speak to them before I stepped out, and their families and what they're feeling today, and Antoinette's family, that put their arms around Mel in the hospital waiting room, particularly when their daughter died a few days after the attack, and what was going through the other families' minds as the first survivor fell, and how many more would fall. The nature of how personal this struggle is for those that have served our nation, I think about Merlin German. Merlin was a 97 percent total body burn. He spent three years and two months in Brooke Army Medical Center's hospital before he passed away, and he passed away on his 143rd trip to the operating room. That delineates the capacity for sacrifice and suffering that is bred in the American spirit. Senator Hinojosa, you mentioned about justice, and same with Senator Patrick, Senator Fraser. And the best way to embody that difference is, as I was watching the events unfold last night and seeing Americans around the White House and at Times Square and other places and their jubilation.

There's a seminal difference between the jubilation that the Americans were feeling last night and this morning from the jubilation I saw in streets in the Middle East and the tapes I saw after September 11th of the cheering crowds that the Towers had fallen and the Pentagon was burning, and that's that we had done justice to a murderer who deserved the death he got, and we were celebrating that justice was being done rather than our enemies celebrating the slaughter of innocent life. And that difference is what separates us from so many other nations out there in the world. What we celebrate and what we cherish makes us uniquely special here in the United States. Most of all, I would answer some of the questions about, is this going to bring greater retaliation? I could spend time getting into the school of advanced military studies analysis and stuff that would bore you and I don't mean to, but that's the wrong question. The question isn't whether we as a nation are making our enemies mad. The question is, what are we doing as a nation to make sure that our enemies learn never to make us mad? And last night's operation answered that question. I take great pride in having the honor to have joined you here on the floor of the State Senate to address the issues associated with our state and the challenges that face us. And I appreciate you taking this moment of pause to remember not just the events of that day, remember not just those that continue to serve, but what it means to have the defining character of an American. Thank you, Members. Thank you, Mr. President.

(Applause)

Senator West: Senator Birdwell, thank you very much for your service. On behalf of all us in here, Democrats, Republicans, thank you very much for your service. And I would ask you at this point, if you don't mind, would you lead all of us in the Pledge of Allegiance? Old Glory is behind that post, Mr. President, can we move Old Glory out and put it in front of us all? And if you don't mind, would you lead us in the Pledge of Allegiance, Sir?

Senator Birdwell: Thank you, Senator West. I would be honored to do so. Would those in the gallery please rise and those on the floor please rise. Please join me.

ALL: I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one nation, under God, indivisible, with liberty and justice for all.

Senator Gallegos: I wanted to add my two cents in, and I was looking for Colonel Birdwell, but I don't see him. But I just wanted everybody to remember, not only have, what transpired last night, but, then what was said on the floor, the over 400 firefighters that got killed in, you know, that day. Colonel Birdwell, when I woke up that morning and watched TV and saw what was happening, as a former firefighter I knew that the first responders, what their job was, the standard operating procedure all over this country, and I, and the first responders it's, obviously, their job to search and rescue. And there's no doubt that I knew that they were going up and watching everybody go down and helping everybody. So I knew what, obviously, their fate was going to be. And I just wanted to, Colonel Birdwell and others here on the floor, I wanted you to know that when I saw some of the firefighters last night on the

television coverage that was, especially in New York, obviously, the New York City firefighters, that we remember them also and everybody else that gave their lives and those that lost their lives in that terrible incident that happened back then. Thank you.

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FIFTY-SECOND DAY

(Tuesday, May 3, 2011)

The Senate met at 11:15 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

The President announced that a quorum of the Senate was present.

The Reverend Ron Brunson, New Covenant Church, Plainview, was introduced by Senator Duncan and offered the invocation as follows:

Dear heavenly Father, thank You for this special day. Every one of Your days are special. Thank You for our great state. Thank You for every Senator here today. O God, give us wisdom to make the tough decisions of this day. Help us remember ours is only the first generation to be affected by the decisions made today. Jesus said, "Any house divided against itself cannot stand." Lord, though we may see issues differently, please don't let this house be divided. You have called us to a high standard of integrity and mature leadership for the good of Texas and its citizens. That demands that we find unity. Please help us resolve our different perspectives into workable solutions. We pray for Mr. Perry, our governor, and for Mr. Dewhurst as he gives oversight to the proceedings of this day. May You continue to sovereignly rule over Texas in peace and plenty. Forgive us for our sins and trespasses and help us to forgive also. Thank You again for all Your blessings. In Jesus' name I pray. Amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of the previous day be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

BILLS SIGNED

The President announced the signing of the following enrolled bills in the presence of the Senate after the captions had been read: **SB 539, SB 646, SB 785.**

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Tuesday, May 3, 2011 - 1

(Revised Message)

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HB 397 Gonzales, Veronica
Relating to the creation of the Bureau for Economic Development of the Border Region.

HB 1390 Deshotel
Relating to retainage under certain construction contracts.

SB 1420 Hinojosa Sponsor: Harper-Brown
Relating to the continuation and functions of the Texas Department of Transportation; providing penalties.
(Committee Substitute/Amended)

THE HOUSE HAS CONCURRED IN THE SENATE AMENDMENTS TO THE FOLLOWING MEASURES:**HB 1510** (137 Yeas, 3 Nays, 1 Present, not voting)

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

GUEST PRESENTED

Senator Estes was recognized and introduced to the Senate environmental scientist, Steve Ogden.

The Senate welcomed its guest.

PHYSICIAN OF THE DAY

Senator Estes was recognized and presented Dr. Max G. Latham of Bowie as the Physician of the Day.

The Senate welcomed Dr. Latham and thanked him for his participation in the Physician of the Day program sponsored by the Texas Academy of Family Physicians.

GUESTS PRESENTED

Senator Eltife was recognized and introduced to the Senate seventh- and eighth-grade students from Carlisle Junior High School, accompanied by their principal, Rex Thompson.

The Senate welcomed its guests.

(Senator Eltife in Chair)

SENATE RESOLUTION 885

Senator Patrick, on behalf of Senator Ogden, offered the following resolution:

WHEREAS, For the past year, the Texas Armed Services Scholarship Program has assisted a distinguished group of students in pursuing their college educations, and the cadets who are part of this initiative are to be congratulated for being chosen for this notable honor; and

WHEREAS, The program provides financial aid to men and women who are seeking postsecondary education and who have committed to serving their state or country; in addition to encouraging individuals to devote themselves to military service, the Texas Armed Services Scholarships promote participation in Reserve Officers' Training Corps programs at the state's institutions of higher education; and

WHEREAS, Recipients of the scholarships are appointed by the governor, lieutenant governor, and members of the Texas Senate and House of Representatives; each cadet is authorized to receive up to \$15,000 annually through the Texas Higher Education Coordinating Board over four years of study; and

WHEREAS, In order to qualify for the award, a student must enroll in a Reserve Officers' Training Corps program while in college and enter into an agreement to become a member of the Texas Army National Guard or the Texas Air Force National Guard for four years or to become a commissioned officer in any branch of the armed services of the United States; they must also meet a number of academic requirements while in high school, including maintaining a grade point average of 3.0 or higher, achieving a college-readiness score on the SAT or ACT, and ranking in the top one-third of their graduating class; and

WHEREAS, These noteworthy young Texans have dedicated themselves to serving their fellow citizens while working toward their professional goals, and they may indeed look with anticipation and optimism toward the challenges and opportunities that lie ahead; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby honor the cadets of the Texas Armed Services Scholarship Program and extend to them sincere best wishes for continued success; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the cadets as an expression of high regard from the Texas Senate.

SR 885 was read and was adopted without objection.

GUESTS PRESENTED

Senator Patrick, joined by Senators Gallegos and Van de Putte, was recognized and introduced to the Senate cadets participating in the Texas Armed Services Scholarship Program.

The Senate welcomed its guests.

SENATE RESOLUTION 886

Senator Nichols offered the following resolution:

SR 886, Observing May of 2011 as Fight Arthritis Pain Month in Texas.

The resolution was again read.

The resolution was previously adopted on Monday, May 2, 2011.

GUEST PRESENTED

Senator Nichols was recognized and introduced to the Senate Charisma Lewis.

The Senate welcomed its guest.

SENATE RESOLUTION 810

Senator Davis offered the following resolution:

SR 810, In memory of Jean Moffett Dendy.

The resolution was read.

On motion of Senator Davis, **SR 810** was adopted by a rising vote of the Senate.

In honor of the memory of Jean Moffett Dendy, the text of the resolution is printed at the end of today's *Senate Journal*.

GUESTS PRESENTED

Senator Davis was recognized and introduced to the Senate Henry Dendy, Andrew Dendy, Hollis Moffett, Sharon Washington, and Jo Carol Moffett.

The Senate welcomed its guests and extended its sympathy.

SENATE RESOLUTION 850

Senator Duncan offered the following resolution:

SR 850, In memory of Jimmy Dean.

The resolution was read.

On motion of Senator Duncan, **SR 850** was adopted by a rising vote of the Senate.

In honor of the memory of Jimmy Dean, the text of the resolution is printed at the end of today's *Senate Journal*.

GUESTS PRESENTED

Senator Duncan was recognized and introduced to the Senate Ralph Wayne and Greg Ingham.

The Senate welcomed its guests and extended its sympathy.

SENATE RESOLUTION 896

Senator Lucio offered the following resolution:

SR 896, Recognizing The University of Texas Community Outreach program.

LUCIO
HINOJOSA
JACKSON
ZAFFIRINI

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Lucio, joined by Senator Zaffirini, was recognized and introduced to the Senate University of Texas Community Outreach program representatives.

The Senate welcomed its guests.

SENATE RESOLUTION 330

Senator Lucio offered the following resolution:

SR 330, In memory of Jaime Jorge Zapata.

The resolution was read.

On motion of Senator Patrick and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Lucio, **SR 330** was adopted by a rising vote of the Senate.

In honor of the memory of Jaime Jorge Zapata, the text of the resolution is printed at the end of today's *Senate Journal*.

GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate Amador Zapata, Jr., Mary Zapata-Muñoz, William Zapata, and Joe Muñoz.

The Senate welcomed its guests and extended its sympathy.

REMARKS ORDERED PRINTED

On motion of Senator Estes and by unanimous consent, the remarks by Senator Lucio regarding **SR 330** were ordered reduced to writing and printed in the *Senate Journal* as follows:

Members, I am joined today by Representative Rene Oliveira and Representative Eddie Lucio III as we honor the life and work of one of Brownsville's finest, Jaime Jorge Zapata. Jaime was both a product and a leader of his community. He was a fine example to the young people of my district. He was born in Brownsville, educated at The University of Texas at Brownsville, and served his country from Brownsville. A special agent with United States Immigration and Customs Enforcement, his work was part of the drive to end human trafficking. He died trying to keep our borders safe. In February, he was traveling through the Mexican state of San Luis Potosi with fellow agent Victor Avila when their car was ambushed by criminal gang members. Mr. Avila was wounded. Tragically, Jaime died from his wounds. They were coming home from Mexico City where they had been working with an ICE attaché office. Jaime Zapata was a soldier in the war on drugs. He was working to help our neighbors to the south and to make the world a better place. He is also one of over 100 Americans who have lost their lives in Mexico over the last year, as gang-fueled violence continues to wreck the country. He will be remembered as a young, patriotic man of courage, a true American who was loved by his friends and family, one who lost his life in the service of his fellow man. We are joined today on the floor by Jaime's parents, Amador

and Mary Zapata, and his brother, William. His uncle, Joe Muñoz, joins us in the gallery. Jaime Zapata is missed by many in his hometown. Recently, the Brownsville City Commission voted to name a portion of Coffee Port Road, where his family lives, after him. There is the measure of the high esteem held for him by his community. He is gone, but he will not be forgotten. His memory and example live on. But right now the pain is still raw, the loss is felt deeply, the community remains heartbroken. Today when we adjourn, I would ask that each one of you here today say a prayer on behalf of Jaime Zapata and his family.

REPORT OF COMMITTEE ON NOMINATIONS

Senator Deuell submitted the following report from the Committee on Nominations:

We, your Committee on Nominations, to which were referred the following appointments, have had same under consideration and report them back to the Senate with a recommendation that they be confirmed:

Member, Board of Pardons and Paroles: David G. Gutierrez, Lubbock County.

Member, Council on Sex Offender Treatment: Louis Gonzales, Williamson County.

Members, Health and Human Services Council: Kathleen O. Angel, Travis County; Maryann Miyun Choi, Williamson County; Karen Hunter Harris, Bandera County.

Independent Ombudsman, Office of Independent Ombudsman for the Texas Youth Commission: Debbie Kay Unruh, Travis County.

Member, State Board of Veterinary Medical Examiners: Richard Scott Bonner, Nueces County.

Members, State Employee Charitable Campaign Policy Committee: Gregory Scott Davidson, Lee County; Peter Paul Flores, Travis County; Louri Marie O'Leary, Travis County; Cecile Lynn Erwin Young, Travis County.

Members, State Health Services Council: Kirk Aquilla Calhoun, Smith County; David Allen Woolweaver, Cameron County.

Members, State Pension Review Board: Leslie Lynn Greco-Pool, Tarrant County; Jerry Robert Massengale, Lubbock County.

Members, Texas Board of Occupational Therapy Examiners: William N. Hale, Travis County; DeLana Kaye Honaker, Randall County; Stephanie Johnston, Montgomery County; Pamela D. Nelon, Tarrant County.

Members, Texas Board of Orthotics and Prosthetics: Rebecca Hill Brou, Aransas County; David R. Kercheval, Johnson County.

Members, Texas Commission of Licensing and Regulation: Lilian Elizabeth Norman Keeney, Harris County; Ravi Shah, Denton County.

Members, Board of Directors, Texas Health Services Authority: Frederick Buckwold, Harris County; David C. Fleeger, Travis County; Matthew J. Hamlin, Denton County; James Lloyd Martin, Travis County; Edward W. Marx, Tarrant County; Kathleen K. Mechler, Gillespie County; William A. Phillips, Bexar County; Judith Day Powell, Montgomery County; Jennifer Lynn Rangel, Travis County; J. Darren Rodgers, Dallas County; Stephen Yurco, Travis County.

Members, Texas Juvenile Probation Commission: William Player Conley, Hays County; Migdalia Lopez, Cameron County; Scott F. O'Grady, Collin County.

Members, Texas Military Preparedness Commission: Ernest Aliseda, Hidalgo County; Thomas Carl Duncavage, Galveston County; Arthur Rojas Emerson, Bexar County; Woody Francis Gilliland, Taylor County; William H. Parry, Bell County; Karen Summerfield Rankin, Bexar County; Alton F. Thomas, El Paso County.

Members, Governing Board, Texas Youth Commission: Joseph D. Brown, Grayson County; Larry Carroll, Midland County; Scott W. Fisher, Tarrant County; Manson B. Johnson, Harris County; J. Rolando Olvera, Cameron County; Toni A. Johnson Sykora, Bexar County; David Dean Teuscher, Jefferson County.

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Deuell gave notice that he would tomorrow at the conclusion of morning call submit to the Senate for consideration nominations to agencies, boards, and commissions of the state.

MESSAGES FROM THE GOVERNOR

The following Messages from the Governor were read and were referred to the Committee on Nominations:

May 3, 2011
Austin, Texas

TO THE SENATE OF THE EIGHTY-SECOND LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be members of the Texas Board of Chiropractic Examiners for terms to expire February 1, 2017:

Karen M. Campion
Bryan, Texas
(replacing Kathleen Summers of Andrews whose term expired)

Timothy McCullough
Friendswood, Texas
(replacing Kenneth Perkins of Conroe whose term expired)

Kenya S. Woodruff
Dallas, Texas
(Ms. Woodruff is being reappointed)

To be members of the State Board of Dental Examiners for terms to expire as indicated:

To Expire February 1, 2013:

Ann G. Pauli

El Paso, Texas

(replacing Jerry Romero of El Paso who resigned)

To Expire February 1, 2015:

Renee S. Cornett

Austin, Texas

(replacing Mary Baty of Humble who resigned)

To Expire February 1, 2017:

D. Bradley Dean

Frisco, Texas

(replacing Bill Purifoy of Fort Worth whose term expired)

Tamela L. Gough

McKinney, Texas

(Dr. Gough is being reappointed)

Christie McAdams Leedy

Abilene, Texas

(replacing Russell Schlattman, II of Houston whose term expired)

Evangelia "Lia" Mote

Cedar Park, Texas

(replacing Georgiana Matz of Harlingen whose term expired)

John T. Steen, III

Houston, Texas

(replacing Ann Pauli of El Paso whose term expired)

To be members of the Rio Grande Regional Water Authority for terms to expire February 1, 2015:

Wayne Halbert

San Benito, Texas

Paul Heller

Mission, Texas

Brian Macmanus

Harlingen, Texas

Samuel "Bobby" Sparks, Jr.

Harlingen, Texas

Roel "Roy" Rodriguez

McAllen, Texas

The individuals listed above are being reappointed.

To be members of the State Board for Educator Certification for terms to expire as indicated:

To Expire February 1, 2015:

Kathryn Everest

Arlington, Texas

(replacing Benny Morris of Cleburne who resigned)

To Expire February 1, 2017:

L. Curtis Culwell

Garland, Texas

(Dr. Culwell is being reappointed)

Suzanne McCall

Lubbock, Texas

(replacing Mildred Baszile of Houston whose term expired)

Christine "Christie" Pogue

Buda, Texas

(Ms. Pogue is being reappointed)

To be members of the Real Estate Research Advisory Committee for terms to expire January 31, 2017:

Mario A. Arriaga

Spring, Texas

(replacing Marc McDougal of Lubbock whose term expired)

Russell Cain

Port Lavaca, Texas

(replacing Barbara Russell of Denton whose term expired)

Jacquelyn K. Hawkins

Austin, Texas

(Ms. Hawkins is being reappointed)

To be members of the Texas State Board of Social Worker Examiners for terms to expire February 1, 2017:

Theresa "Terry" Argumaniz-Gomez

El Paso, Texas

(replacing Dorinda Noble of Kyle whose term expired)

Nancy Ann Pearson

Burton, Texas

(Ms. Pearson is being reappointed)

Denise V. Pratt

Baytown, Texas

(Ms. Pratt is being reappointed)

Respectfully submitted,

/s/Rick Perry

Governor

**INTRODUCTION OF
BILLS AND RESOLUTIONS POSTPONED**

The Presiding Officer announced that the introduction of bills and resolutions on first reading would be postponed until the end of today's session.

There was no objection.

CONCLUSION OF MORNING CALL

The Presiding Officer at 12:13 p.m. announced the conclusion of morning call.

**COMMITTEE SUBSTITUTE
SENATE BILL 1070 ON SECOND READING**

On motion of Senator Jackson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1070** at this time on its second reading:

CSSB 1070, Relating to the composition of the permanent advisory committee to advise the Texas Commission on Environmental Quality regarding the implementation of the ad valorem tax exemption for pollution control property.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1070 ON THIRD READING**

Senator Jackson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1070** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1070**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1070** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed.

Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1899 ON SECOND READING

On motion of Senator Nichols and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1899** at this time on its second reading:

SB 1899, Relating to compensation for services and reimbursement for expenses of a member of the board of directors of the Lake View Management and Development District.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 1899 ON THIRD READING

Senator Nichols moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1899** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 1899**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 1899** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
HOUSE BILL 15 ON THIRD READING**

Senator Patrick moved to suspend the regular order of business to take up for consideration **CSHB 15** at this time on its third reading and final passage:

CSHB 15, Relating to informed consent to an abortion.

The motion prevailed by the following vote: Yeas 21, Nays 10.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Uresti, Williams, Zaffirini.

Nays: Davis, Ellis, Gallegos, Hinojosa, Rodriguez, Van de Putte, Watson, Wentworth, West, Whitmire.

The bill was read third time.

Senator Patrick offered the following amendment to the bill:

Floor Amendment No. 1 on Third Reading

Amend **CSHB 15** on third reading as follows:

(1) In added Section 171.012(a)(4), Health and Safety Code, as amended by Amendment No. ___ by Davis, between "Chapter 245" and the colon, insert "or a facility that performs more than 50 abortions in any 12-month period".

(2) In added Section 171.012(a)(5), Health and Safety Code, in item (8) of the election form, between "ABORTION PROVIDER" and "ONLY", insert "THAT IS A FACILITY LICENSED UNDER CHAPTER 245 OR A FACILITY THAT PERFORMS MORE THAN 50 ABORTIONS IN ANY 12-MONTH PERIOD".

(3) In added Section 171.012(a)(5), Health and Safety Code, as amended by Amendment No. ___ by Davis, in item (8) of the election form, between "CHAPTER 245" and the comma, insert "OR A FACILITY THAT PERFORMS MORE THAN 50 ABORTIONS IN ANY 12-MONTH PERIOD".

(4) In amended Section 171.012(b)(1), Health and Safety Code, between "abortion provider" and the semicolon, insert "that is a facility licensed under Chapter 245 or a facility that performs more than 50 abortions in any 12-month period".

(5) In amended Section 171.012(b)(2), Health and Safety Code, as amended by Amendment No. ___ by Davis, after "Chapter 245", insert "or a facility that performs more than 50 abortions in any 12-month period".

The amendment to **CSHB 15** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 on Third Reading.

On motion of Senator Patrick and by unanimous consent, the caption was again amended to conform to the body of the bill as amended.

CSHB 15 as again amended was finally passed by the following vote: Yeas 21, Nays 10.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Uresti, Williams, Zaffirini.

Nays: Davis, Ellis, Gallegos, Hinojosa, Rodriguez, Van de Putte, Watson, Wentworth, West, Whitmire.

**COMMITTEE SUBSTITUTE
HOUSE BILL 984 ON SECOND READING**

On motion of Senator Harris and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 984** at this time on its second reading:

CSHB 984, Relating to agreements between neighboring municipalities regarding jurisdiction of cases in municipal courts.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

**COMMITTEE SUBSTITUTE
HOUSE BILL 984 ON THIRD READING**

Senator Harris moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 984** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSHB 984**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSHB 984** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1231 ON SECOND READING

On motion of Senator Estes and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1231** at this time on its second reading:

SB 1231, Relating to the regulation of health spas by the secretary of state.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 1231 ON THIRD READING

Senator Estes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1231** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 1231**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 1231** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 63 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 63** at this time on its second reading:

CSSB 63, Relating to the creation of the individual development account program to provide savings incentives and opportunities for certain foster children to pursue home ownership, postsecondary education, and business development.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Absent: Williams.

**COMMITTEE SUBSTITUTE
SENATE BILL 63 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 63** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Wentworth.

Absent: Williams.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 63**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 63** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent: Williams.

HOUSE BILL 1808 ON SECOND READING

On motion of Senator Nichols and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1808** at this time on its second reading:

HB 1808, Relating to the continuation and functions of the State Soil and Water Conservation Board.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 1808 ON THIRD READING

Senator Nichols moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1808** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **HB 1808**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **HB 1808** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE SENATE BILL 687 ON SECOND READING

On motion of Senator Huffman and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 687** at this time on its second reading:

CSSB 687, Relating to interception of wire, oral, or electronic communications for law enforcement purposes.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 687 ON THIRD READING**

Senator Huffman moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 687** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 687**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 687** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1328 ON SECOND READING**

Senator Watson moved to suspend the regular order of business to take up for consideration **CSSB 1328** at this time on its second reading:

CSSB 1328, Relating to optional dispute resolution methods regarding educational services for students with a disability, including individualized education program facilitation.

The motion prevailed.

Senator Birdwell asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Watson offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1328** as follows:

(1) In SECTION 1 of the bill, in proposed new Section 29.019, strike "and each school district" (Committee printing page 1, line 16).

(2) In SECTION 1 of the bill, in proposed new Section 29.019, (Committee Printing page 1, on line 19), between the period and "The information" add "A district that chooses to use individualized education program facilitation as an optional dispute resolution strategy shall provide information to parents regarding the options the district will use."

(3) In SECTION 1 of the bill, in proposed new Section 29.020, strike "an" between "(4)" and "evaluation" (Committee printing page 1, line 62).

(4) In SECTION 1 of the bill, in proposed new Section 29.020, (Committee Printing page 1, on lines 62-63), strike "process through which information may be collected regarding the" between "evaluation" and "implementation" and insert "survey forms accessible electronically to school districts and participants to evaluate the".

(5) Strike SECTION 2 of the bill (Committee Printing page 2, lines 16-21) and renumber subsequent SECTIONS accordingly.

The amendment to **CSSB 1328** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Watson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1328 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Birdwell.

COMMITTEE SUBSTITUTE SENATE BILL 1328 ON THIRD READING

Senator Watson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1328** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1328**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The

suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1328** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1.

Nays: Birdwell.

HOUSE BILL 905 ON SECOND READING

On motion of Senator Harris and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 905** at this time on its second reading:

HB 905, Relating to the admissibility of certain hearsay statements of a child in hearings on an application for a protective order.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 905 ON THIRD READING

Senator Harris moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 905** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **HB 905**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **HB 905** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed.

Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**MOTION TO PLACE
COMMITTEE SUBSTITUTE
SENATE BILL 1488 ON SECOND READING**

Senator West moved to suspend the regular order of business to take up for consideration **CSSB 1488** at this time on its second reading:

CSSB 1488, Relating to the purchasing and contracting practices of junior college districts; providing criminal penalties.

Senator West withdrew the motion to suspend the regular order of business.

**COMMITTEE SUBSTITUTE
SENATE BILL 1138 ON SECOND READING**

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1138** at this time on its second reading:

CSSB 1138, Relating to design-build contracts and comprehensive development agreements of regional mobility authorities.

The bill was read second time.

Senator Watson offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1138** (senate committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Section 370.305, Transportation Code, is amended to read as follows:

Sec. 370.305. **COMPREHENSIVE DEVELOPMENT AGREEMENTS.**

(a) ~~[An authority may use a comprehensive development agreement with a private entity to construct, maintain, repair, operate, extend, or expand a transportation project.~~

~~[(b)]~~ A comprehensive development agreement ~~is an agreement with a private entity that, at a minimum, provides for the design and construction of a transportation project, that~~ ~~[and]~~ may ~~[also]~~ provide for the financing, acquisition, maintenance, or operation of a transportation project, and that entitles the private entity to:

(1) a leasehold interest in the transportation project; or

(2) the right to operate or retain revenue from the operation of the transportation project.

~~(b)~~ ~~[(e)]~~ An authority may negotiate provisions relating to professional and consulting services provided in connection with a comprehensive development agreement.

~~(c) [(d)] Except as provided by this chapter, the [Subsections (e) and (f), the authority to enter into comprehensive development agreements under this section expires on August 31, 2009.~~

~~[(e) Subsection (d) does not apply to a comprehensive development agreement that does not grant a private entity a right to finance a toll project or a comprehensive development agreement in connection with a project:~~

~~[(1) that includes one or more managed lane facilities to be added to an existing controlled access highway;~~

~~[(2) the major portion of which is located in a nonattainment or near nonattainment air quality area as designated by the United States Environmental Protection Agency; and~~

~~[(3) for which the department has issued a request for qualifications before the effective date of this subsection.~~

~~[(f) The] authority to enter into a comprehensive development agreement [for a project exempted from Subsection (d) or Section 223.210(b)] expires August 31, 2011.~~

SECTION 2. Chapter 370, Transportation Code, is amended by adding Subchapter G-1 to read as follows:

SUBCHAPTER G-1. DESIGN-BUILD CONTRACTS

Sec. 370.318. DEFINITIONS. In this subchapter:

(1) "Design-build contractor" means a partnership, corporation, or other legal entity or team that includes an engineering firm and a construction contractor qualified to engage in the construction of transportation projects in this state.

(2) "Design-build method" means a project delivery method by which an entity contracts with a single entity to provide both design and construction services for the construction, rehabilitation, alteration, or repair of a facility.

Sec. 370.319. SCOPE OF AND LIMITATIONS ON CONTRACTS. (a) Notwithstanding the requirements of Chapter 2254, Government Code, an authority may use the design-build method for the design, construction, financing, expansion, extension, related capital, maintenance, rehabilitation, alteration, or repair of a transportation project.

(b) A design-build contract under this subchapter may not grant to a private entity:

(1) a leasehold interest in the transportation project; or

(2) the right to operate or retain revenue from the operation of the transportation project.

(c) In using the design-build method and in entering into a contract for the services of a design-build contractor, the authority and the design-build contractor shall follow the procedures and requirements of this subchapter.

(d) An authority may enter into not more than two design-build contracts for transportation projects in any fiscal year.

Sec. 370.320. USE OF ENGINEER OR ENGINEERING FIRM. (a) To act as an authority's representative, independent of a design-build contractor, for the procurement process and for the duration of the work on a transportation project, an authority shall select or designate:

(1) an engineer;

(2) a qualified firm, selected in accordance with Section 2254.004, Government Code, that is independent of the design-build contractor; or

(3) a general engineering consultant that was previously selected by an authority and is selected or designated in accordance with Section 2254.004, Government Code.

(b) The selected or designated engineer or firm has full responsibility for complying with Chapter 1001, Occupations Code.

Sec. 370.321. OTHER PROFESSIONAL SERVICES. (a) An authority shall provide or contract for, independently of the design-build contractor, the following services as necessary for the acceptance of the transportation project by the authority:

(1) inspection services;

(2) construction materials engineering and testing; and

(3) verification testing services.

(b) An authority shall ensure that the engineering services contracted for under this section are selected based on demonstrated competence and qualifications.

(c) This section does not preclude the design-build contractor from providing construction quality assurance and quality control services under a design-build contract.

Sec. 370.322. REQUEST FOR QUALIFICATIONS. (a) For any transportation project to be delivered through the design-build method, an authority must prepare and issue a request for qualifications. A request for qualifications must include:

(1) information regarding the proposed project's location, scope, and limits;

(2) information regarding funding that may be available for the project and a description of the financing to be requested from the design-build contractor, as applicable;

(3) criteria that will be used to evaluate the proposals, which must include a proposer's qualifications, experience, technical competence, and ability to develop the project;

(4) the relative weight to be given to the criteria; and

(5) the deadline by which proposals must be received by the authority.

(b) An authority shall publish notice advertising the issuance of a request for qualifications in the Texas Register and on an Internet website maintained by the authority.

(c) An authority shall evaluate each qualifications statement received in response to a request for qualifications based on the criteria identified in the request. An authority may interview responding proposers. Based on the authority's evaluation of qualifications statements and interviews, if any, an authority shall qualify or short-list proposers to submit detailed proposals.

(d) An authority shall qualify or short-list at least two but not more than five firms to submit detailed proposals under Section 370.323. If an authority receives only one responsive proposal to a request for qualifications, the authority shall terminate the procurement.

(e) An authority may withdraw a request for qualifications or request for detailed proposals at any time.

Sec. 370.323. REQUEST FOR DETAILED PROPOSALS. (a) An authority shall issue a request for detailed proposals to proposers short-listed under Section 370.322. A request for detailed proposals must include:

(1) information on the overall project goals;
(2) the authority's cost estimates for the design-build portion of the project work;

(3) materials specifications;
(4) special material requirements;
(5) a schematic design approximately 30 percent complete;
(6) known utilities, provided that an authority is not required to undertake an effort to locate utilities;

(7) quality assurance and quality control requirements;
(8) the location of relevant structures;
(9) notice of any rules or goals adopted by the authority in accordance with Section 370.183 relating to awarding contracts to disadvantaged businesses;

(10) available geotechnical or other information related to the project;
(11) the status of any environmental review of the project;
(12) detailed instructions for preparing the technical proposal required under Subsection (c), including a description of the form and level of completeness of drawings expected;

(13) the relative weighting of the technical and cost proposals required under Subsection (c) and a formula by which the proposals will be evaluated and ranked that allocates at least 70 percent weight to the cost proposal; and

(14) the criteria and weighting for each aspect of the technical proposal.

(b) A request for detailed proposals shall also include a general form of the design-build contract that the authority proposes if the terms of the contract may be modified as a result of negotiations prior to contract execution.

(c) Each response to a request for detailed proposals must include a sealed technical proposal and a separate sealed cost proposal.

(d) The technical proposal must address:

(1) the proposer's qualifications and demonstrated technical competence, not including any information submitted and evaluated under Section 370.322(a)(3);

(2) the feasibility of developing the project as proposed, including identification of anticipated problems;

(3) the proposed solutions to anticipated problems;

(4) the ability of the proposer to meet schedules;

(5) the conceptual engineering design proposed; and

(6) any other information requested by the authority.

(e) An authority may provide for the submission of alternative technical concepts by a proposer. If an authority provides for the submission of alternative technical concepts, the authority must prescribe a process for notifying a proposer whether the proposer's alternative technical concepts are approved for inclusion in a technical proposal.

(f) The cost proposal must include:

(1) the cost of delivering the project;

(2) the estimated number of days required to complete the project; and

(3) any terms for financing for the project that the proposer plans to provide.

(g) A response to a request for detailed proposals shall be due not later than the 180th day after the final request for detailed proposals is issued by the authority. This subsection does not preclude the release by the authority of a draft request for detailed proposals for purposes of receiving input from short-listed proposers.

(h) An authority shall first open, evaluate, and score each responsive technical proposal submitted on the basis of the criteria described in the request for detailed proposals and assign points on the basis of the weighting specified in the request for detailed proposals. The authority may reject as nonresponsive any proposer that makes a significant change to the composition of its design-build team as initially submitted that was not approved by the authority for the purpose of the request for detailed proposals. The authority shall subsequently open, evaluate, and score the cost proposals from proposers that submitted a responsive technical proposal and assign points on the basis of the weighting specified in the request for detailed proposals. The authority shall rank the proposers in accordance with the formula provided in the request for detailed proposals.

Sec. 370.324. NEGOTIATION. (a) After ranking the proposers under Section 370.323(h), an authority shall first attempt to negotiate a contract with the highest ranked proposer. If an authority has committed to paying a stipend to unsuccessful proposers in accordance with Section 370.326, an authority may include in the negotiations alternative technical concepts proposed by other proposers.

(b) If an authority is unable to negotiate a satisfactory contract with the highest ranked proposer, the authority shall, formally and in writing, end all negotiations with that proposer and proceed to negotiate with the next proposer in the order of the selection ranking until a contract is reached or negotiations with all ranked proposers end.

Sec. 370.325. ASSUMPTION OF RISKS. (a) Unless otherwise provided in a final request for detailed proposals or an addendum or supplement included in the final request, the authority shall assume:

(1) all risks and costs associated with:

(A) scope changes and modifications, as requested by the authority;

(B) unknown or differing site conditions;

(C) environmental clearance and other regulatory permitting for the project; and

(D) natural disasters and other force majeure events; and

(2) all costs associated with property acquisition, excluding costs associated with acquiring a temporary easement or work area associated with staging or construction for the project.

(b) Notwithstanding Subsection (a), an authority and contracting parties may agree that a design-build contractor should assume some or all of the risks or costs of a project described in Subsection (a) if the agreement is reflected in the final request for detailed proposals or an addendum or supplement to the final request.

Sec. 370.326. STIPEND AMOUNT FOR UNSUCCESSFUL PROPOSERS. (a) In accordance with the request for detailed proposals, an authority shall pay an unsuccessful proposer that submits a responsive proposal to the request for detailed proposals a stipend for work product contained in the proposal. The stipend must be

specified in the initial request for detailed proposals in an amount of at least two-tenths of one percent of the contract amount, but may not exceed the value of the work product contained in the proposal to the authority. If the authority determines that the value of the work product is less than the stipend amount, the authority must provide the proposer with a detailed explanation of the valuation, including the methodology and assumptions used in the valuation. After payment of the stipend, the authority may make use of any work product contained in the unsuccessful proposal, including the techniques, methods, processes, and information contained in the proposal. The use by the authority of any design element contained in an unsuccessful proposal is at the sole risk and discretion of the authority and does not confer liability on the recipient of the stipend under this subsection.

(b) In a request for detailed proposals, an authority may provide for the payment of a partial stipend in the event a procurement is terminated prior to securing project financing and execution of a design-build contract.

Sec. 370.327. PERFORMANCE OR PAYMENT BOND. (a) Notwithstanding the requirements of Subchapter B, Chapter 2253, Government Code, an authority shall require a design-build contractor to provide a performance or payment bond or an alternative form of security or combination of forms of security.

(b) A performance or payment bond or alternative form of security shall be in an amount equal to the cost of constructing or maintaining the project.

(c) A performance or payment bond is not required for the portion of a design-build contract under this section that includes design services only.

(d) In addition to performance and payment bonds, an authority may require the following alternative forms of security:

(1) a cashier's check drawn on a financial entity specified by the authority;

(2) a United States bond or note;

(3) an irrevocable bank letter of credit drawn from any Texas or federally chartered bank; or

(4) any other form of security determined suitable by the authority.

SECTION 3. Section 370.314, Transportation Code, is repealed.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect on the 91st day after the last day of the legislative session.

The amendment to **CSSB 1138** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Watson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1138 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

COMMITTEE SUBSTITUTE
SENATE BILL 1138 ON THIRD READING

Senator Watson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1138** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1138**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1138** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1117 ON SECOND READING

On motion of Senator Whitmire and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1117** at this time on its second reading:

SB 1117, Relating to the prosecution of a parent contributing to the nonattendance of a public school student.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 1117 ON THIRD READING

Senator Whitmire moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1117** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 1117**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 1117** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 730 ON SECOND READING**

On motion of Senator Nichols and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 730** at this time on its second reading:

CSSB 730, Relating to the conversion of a nontolled state highway or segment of the state highway system to a toll project.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 730 ON THIRD READING**

Senator Nichols moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 730** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 730**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 730** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE SENATE BILL 1445 ON SECOND READING

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1445** at this time on its second reading:

CSSB 1445, Relating to the contents of reports of political contributions and expenditures.

The bill was read second time.

Senator Zaffirini offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1445** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in amended Section 254.031(a)(7), Election Code (page 1, line 55), strike "[and]" and substitute "and".

(2) In SECTION 1 of the bill, in amended Section 254.031(a)(8), Election Code (page 1, line 61), strike ";" and substitute ".".

(3) In SECTION 1 of the bill, strike added Sections 254.031(a)(9) and (10), Election Code (page 1, line 62, through page 2, line 10).

The amendment to **CSSB 1445** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Zaffirini and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1445 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1445 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1445** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1445**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1445** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1237 ON SECOND READING

On motion of Senator Williams and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1237** at this time on its second reading:

SB 1237, Relating to persons authorized to access or use electronically readable information derived from a driver's license, commercial driver's license, or personal identification certificate.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 1237 ON THIRD READING

Senator Williams moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1237** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 1237**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 1237** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

MOTION TO PLACE COMMITTEE SUBSTITUTE SENATE BILL 1841 ON SECOND READING

Senator Van de Putte moved to suspend the regular order of business to take up for consideration **CSSB 1841** at this time on its second reading:

CSSB 1841, Relating to the preservation and maintenance of the Alamo by the Texas Historical Commission.

Senator Van de Putte withdrew the motion to suspend the regular order of business.

COMMITTEE SUBSTITUTE SENATE BILL 1488 ON SECOND READING

Senator West again moved to suspend the regular order of business to take up for consideration **CSSB 1488** at this time on its second reading:

CSSB 1488, Relating to the purchasing and contracting practices of junior college districts; providing criminal penalties.

The motion prevailed without objection.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1488 ON THIRD READING**

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1488** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1488**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1488** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1557 ON SECOND READING**

Senator Carona moved to suspend the regular order of business to take up for consideration **CSSB 1557** at this time on its second reading:

CSSB 1557, Relating to the Texas High Performance Schools Consortium.

The motion prevailed.

Senators Lucio and Van de Putte asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Lucio, Van de Putte.

COMMITTEE SUBSTITUTE
SENATE BILL 1557 ON THIRD READING

Senator Carona moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1557** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 3.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Lucio, Van de Putte, Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1557**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1557** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Lucio, Van de Putte.

GUESTS PRESENTED

Senator Patrick was recognized and introduced to the Senate a Cy-Fair legislative group delegation.

The Senate welcomed its guests.

**COMMITTEE SUBSTITUTE
SENATE BILL 1399 ON SECOND READING**

Senator Patrick moved to suspend the regular order of business to take up for consideration **CSSB 1399** at this time on its second reading:

CSSB 1399, Relating to the regulation of foundation repair contractors; providing penalties.

The motion prevailed.

Senator Fraser asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Fraser.

**COMMITTEE SUBSTITUTE
SENATE BILL 1399 ON THIRD READING**

Senator Patrick moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1399** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Fraser, Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1399**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1399** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1.

Nays: Fraser.

**COMMITTEE SUBSTITUTE
SENATE BILL 1059 ON SECOND READING**

On motion of Senator Nichols and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1059** at this time on its second reading:

CSSB 1059, Relating to the program for improvement of collection of court costs, fees, and fines imposed in criminal cases.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1059 ON THIRD READING**

Senator Nichols moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1059** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1059**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1059** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1196 ON SECOND READING**

On motion of Senator Rodriguez and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1196** at this time on its second reading:

CSSB 1196, Relating to guardianships and alternatives to guardianship for persons who have physical disabilities or who are incapacitated.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1196 ON THIRD READING**

Senator Rodriguez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1196** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1196**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1196** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 150 ON SECOND READING

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 150** at this time on its second reading:

SB 150, Relating to granting limited state law enforcement authority to special agents of the Office of Inspector General of the United States Department of Veterans Affairs and to updating certain references related to the grant of that authority to other federal law enforcement personnel.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 150 ON THIRD READING

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 150** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 150**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 150** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE SENATE BILL 1197 ON SECOND READING

On motion of Senator Rodriguez and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1197** at this time on its second reading:

CSSB 1197, Relating to trusts.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1197 ON THIRD READING**

Senator Rodriguez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1197** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1197**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1197** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 947 ON SECOND READING

On motion of Senator Patrick and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 947** at this time on its second reading:

SB 947, Relating to granting limited state law enforcement authority to certain criminal investigators of the United States and to other federal law enforcement personnel.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 947 ON THIRD READING

Senator Patrick moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 947** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 947**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 947** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE SENATE BILL 5 ON SECOND READING

The Presiding Officer, Senator Eltife in Chair, laid before the Senate **CSSB 5** by Senator Zaffirini on its second reading. The bill had been read second time, amended, and further consideration postponed on Wednesday, April 27, 2011:

CSSB 5, Relating to the administration and business affairs of public institutions of higher education.

Question — Shall Floor Amendment No. 7 to **CSSB 5** be adopted?

POINT OF ORDER

Senator Zaffirini raised a point of order that Floor Amendment No. 7 was not germane to the body of the bill.

Senator Wentworth withdrew Floor Amendment No. 7.

Senator Zaffirini moved the previous question.

Five Senators seconded the motion.

Question — Shall the main question be now put?

The motion to call for the previous question on the passage to engrossment of **CSSB 5** failed by the following vote: Yeas 12, Nays 19.

Yeas: Davis, Ellis, Gallegos, Hinojosa, Lucio, Rodriguez, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

Nays: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Wentworth, Williams.

Senator Wentworth offered the following amendment to the bill:

Floor Amendment No. 8

Amend **CSSB 5** (senate committee printing) by inserting the following appropriately numbered ARTICLE into the bill and renumbering subsequent ARTICLES of the bill accordingly:

ARTICLE ____ MISCELLANEOUS PROVISIONS

SECTION ____ Subchapter H, Chapter 411, Government Code, is amended by adding Section 411.2031 to read as follows:

Sec. 411.2031. CARRYING OF HANDGUNS BY LICENSE HOLDERS ON CERTAIN CAMPUSES. (a) For purposes of this section:

(1) "Campus" means all land and buildings owned or leased by an institution of higher education.

(2) "Institution of higher education" has the meaning assigned by Section 61.003, Education Code.

(3) "Premises" has the meaning assigned by Section 46.035, Penal Code.

(b) Except as otherwise provided by this section, a license holder may carry a concealed handgun on or about the license holder's person while the license holder is on the campus of an institution of higher education in this state.

(c) Except as provided by Subsection (d), an institution of higher education in this state may not adopt any rule, regulation, or other provision prohibiting license holders from carrying handguns on the campus of the institution.

(d) An institution of higher education in this state may establish rules, regulations, or other provisions concerning the storage of handguns in dormitories that are owned or operated by the institution and located on the campus of the institution.

(e) This section does not permit a license holder to carry a concealed handgun on or about the premises of a hospital maintained or operated by an institution of higher education. In this subsection, "hospital" has the meaning assigned by Section 241.003, Health and Safety Code.

(f) This section does not permit a license holder to carry a concealed handgun on the premises of a preschool, elementary school, or secondary school that is located on the campus of an institution of higher education if the institution gives effective notice under Section 30.06, Penal Code.

SECTION ____ Section 411.208, Government Code, is amended by amending Subsections (a), (b), and (d) and adding Subsection (f) to read as follows:

(a) A court may not hold the state, an agency or subdivision of the state, an officer or employee of the state, an institution of higher education, an officer or employee of an institution of higher education, a peace officer, or a qualified handgun instructor liable for damages caused by:

(1) an action authorized under this subchapter or a failure to perform a duty imposed by this subchapter; or

(2) the actions of an applicant or license holder that occur after the applicant has received a license or been denied a license under this subchapter.

(b) A cause of action in damages may not be brought against the state, an agency or subdivision of the state, an officer or employee of the state, an institution of higher education, an officer or employee of an institution of higher education, a peace officer, or a qualified handgun instructor for any damage caused by the actions of an applicant or license holder under this subchapter.

(d) The immunities granted under Subsections (a), (b), and (c) do not apply to an act or a failure to act by the state, an agency or subdivision of the state, an officer of the state, an institution of higher education, an officer or employee of an institution of higher education, or a peace officer if the act or failure to act was capricious or arbitrary.

(f) For purposes of this section, "institution of higher education" has the meaning assigned by Section 61.003, Education Code.

SECTION _____. Section 46.03, Penal Code, is amended by amending Subsections (a) and (c) and adding Subsections (j) and (k) to read as follows:

(a) A person commits an offense if the person intentionally, knowingly, or recklessly possesses or goes with a firearm, illegal knife, club, or prohibited weapon listed in Section 46.05(a):

(1) on the physical premises of a school or educational institution, any grounds or building on which an activity sponsored by a school or educational institution is being conducted, or a passenger transportation vehicle of a school or educational institution, whether the school or educational institution is public or private, unless:

(A) pursuant to written regulations or written authorization of the institution; or

(B) the person possesses or goes with a concealed handgun that the person is licensed to carry under Subchapter H, Chapter 411, Government Code, and no other weapon to which this section applies, on the physical premises of an institution of higher education, or in a passenger transportation vehicle of the institution;

(2) on the premises of a polling place on the day of an election or while early voting is in progress;

(3) on the premises of any government court or offices utilized by the court, unless pursuant to written regulations or written authorization of the court;

(4) on the premises of a racetrack;

(5) in or into a secured area of an airport; or

(6) within 1,000 feet of premises the location of which is designated by the Texas Department of Criminal Justice as a place of execution under Article 43.19, Code of Criminal Procedure, on a day that a sentence of death is set to be imposed on the designated premises and the person received notice that:

(A) going within 1,000 feet of the premises with a weapon listed under this subsection was prohibited; or

(B) possessing a weapon listed under this subsection within 1,000 feet of the premises was prohibited.

(c) In this section:

(1) "Institution of higher education" has the meaning assigned by Section 61.003, Education Code.

(2) [(4)] "Premises" has the meaning assigned by Section 46.035.

(3) [(2)] "Secured area" means an area of an airport terminal building to which access is controlled by the inspection of persons and property under federal law.

(j) Subsection (a)(1)(B) does not permit a person to possess a concealed handgun, or go with a concealed handgun, on the premises of a hospital maintained or operated by an institution of higher education. In this subsection, "hospital" has the meaning assigned by Section 241.003, Health and Safety Code.

(k) Subsection (a)(1)(B) does not permit a person to possess a concealed handgun, or go with a concealed handgun, on the premises of a preschool, elementary school, or secondary school that is located on the physical premises of an institution of higher education. This subsection does not apply if the actor was not given effective notice under Section 30.06.

SECTION _____. Section 46.11(c)(1), Penal Code, is amended to read as follows:

(1) "Premises" has the meaning [~~"Institution of higher education" and "premises" have the meanings~~] assigned by Section 481.134, Health and Safety Code.

SECTION _____. Section 411.208, Government Code, as amended by this Act, applies only to a cause of action that accrues on or after the effective date of this Act. A cause of action that accrued before that date is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION _____. Sections 46.03(a) and (c), Penal Code, as amended by this Act, and Section 46.035(l), Penal Code, as added by this Act, apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

The amendment to **CSSB 5** was read.

POINT OF ORDER

Senator Zaffirini raised a point of order that Floor Amendment No. 8 was not germane to the body of the bill.

POINT OF ORDER RULING

The Presiding Officer stated that the point of order was respectfully overruled.

Senator Ellis offered the following amendment to Floor Amendment No. 8:

Floor Amendment No. 9

Amend Floor Amendment No. 8 by Wentworth to **CSSB 5** (Senate Committee Printing) as follows:

(1) In added Section 411.2031(c), Government Code, strike "Subsection (d)" and substitute "Subsections (d) and (d-1)".

(2) After added Section 411.2031(d), Government Code, insert the following:

(d-1) An institution of higher education in this state, after consulting with students, staff, and faculty of the institution, may establish rules, regulations, or other provisions prohibiting license holders from carrying handguns on premises that are owned or operated by the institution and located on the campus of the institution.

The amendment to Floor Amendment No. 8 to **CSSB 5** was read.

On motion of Senator Wentworth, Floor Amendment No. 9 was tabled by the following vote: Yeas 19, Nays 12.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Patrick, Seliger, Shapiro, Wentworth, Whitmire, Williams.

Nays: Davis, Ellis, Gallegos, Hinojosa, Lucio, Ogden, Rodriguez, Uresti, Van de Putte, Watson, West, Zaffirini.

Senator Zaffirini offered the following amendment to Floor Amendment No. 8:

Floor Amendment No. 10

Amend Floor Amendment No. 8 to **CSSB 5** as follows:

In added Section 411.2031, Government Code, strike subsection (c) entirely and substitute as follows:

(c) An institution of higher education in this state shall adopt rules, regulations, or other provisions prohibiting license holders from carrying handguns on premises that are owned or operated by the institution if such a prohibition is approved by a majority vote of the students enrolled at the university who participate in a general student election held for that purpose.

The amendment to Floor Amendment No. 8 to **CSSB 5** was read.

On motion of Senator Wentworth, Floor Amendment No. 10 was tabled by the following vote: Yeas 19, Nays 12.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Patrick, Seliger, Shapiro, Wentworth, Whitmire, Williams.

Nays: Davis, Ellis, Gallegos, Hinojosa, Lucio, Ogden, Rodriguez, Uresti, Van de Putte, Watson, West, Zaffirini.

Senator Van de Putte offered the following amendment to Floor Amendment No. 8:

Floor Amendment No. 11

Amend Floor Amendment No. 8 to **CSSB 5** as follows:

(1) On Page 1, between lines 14 and 15, add the following appropriately numbered subdivision to the subsection, and renumber subsequent subdivisions accordingly:

() "Hospital has the meaning assigned by Section 241.003, Health and Safety Code.

(2) On page 2, lines 2 - 6, strike the text of proposed Section 411.2031(e), Government Code, and substitute the following:

(e) This section does not permit a license holder to carry a concealed handgun on the premises of:

(1) a hospital maintained or operated by an institution of higher education;
or

(2) the medical school at The University of Texas Health Science Center at San Antonio.

(4) On page 4, line 28, in added Section 46.03(j), Penal Code, between "education" and the underlined period, insert "or on the premises of the medical school at The University of Texas Health Science Center at San Antonio".

The amendment to Floor Amendment No. 8 to **CSSB 5** was read.

On motion of Senator Wentworth, Floor Amendment No. 11 was tabled by the following vote: Yeas 20, Nays 11.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Wentworth, Whitmire, Williams.

Nays: Davis, Ellis, Gallegos, Hinojosa, Lucio, Rodriguez, Uresti, Van de Putte, Watson, West, Zaffirini.

Senator Davis offered the following amendment to Floor Amendment No. 8:

Floor Amendment No. 12

Amend Floor Amendment No. 8 to **CSSB 5** as follows:

(1) In added Section 411.2031(a)(2), Government Code (page 1, line 15), strike """Institution of higher education" and" and substitute """Governing board," "institution of higher education," and"".

(2) In added Section 411.2031(c), Government Code (page 1, line 23), strike "provided by Subsection (d)" and substitute "otherwise provided by this section".

(3) In added Section 411.2031, Government Code (page 2, between lines 1 and 2), insert the following subsection:

(e) An institution of higher education in this state may establish rules, regulations, or other provisions prohibiting license holders from carrying handguns on the campus of the institution if the governing board of the institution approves the rules, regulations, or other provisions by majority vote.

(4) In added Section 411.2031, Government Code (page 2, line 2), strike "(e)" and substitute "(f)".

(5) In added Section 411.2031, Government Code (page 2, line 7), strike "(f)" and substitute "(g)".

(6) In amended Section 411.208(a), Government Code (page 2, lines 15-19), strike "higher education, an officer or employee of an institution of higher education," and substitute "higher education that has not adopted rules under Section 411.2031 or an officer or employee of that institution,".

(7) In amended Section 411.208(b), Government Code (page 2, lines 25-31), strike "an institution of higher education, an officer or employee of an institution of higher education," and substitute "an institution of higher education that has not adopted rules under Section 411.2031 or an officer or employee of that institution,".

(8) In amended Section 411.208(d), Government Code (page 3, lines 1-6), strike "institution of higher education, an officer or employee of an institution of higher education," and substitute "institution of higher education that has not adopted rules under Section 411.2031 or an officer or employee of that institution,".

The amendment to Floor Amendment No. 8 to **CSSB 5** was read.

On motion of Senator Wentworth, Floor Amendment No. 12 was tabled by the following vote: Yeas 19, Nays 12.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Patrick, Seliger, Shapiro, Wentworth, Whitmire, Williams.

Nays: Davis, Ellis, Gallegos, Hinojosa, Lucio, Ogden, Rodriguez, Uresti, Van de Putte, Watson, West, Zaffirini.

Senator Lucio offered the following amendment to Floor Amendment No. 8:

Floor Amendment No. 13

Amend Floor Amendment No. 8 to **CSSB 5** as follows:

(1) In SECTION ____ of the amendment, in added Section 411.2031, Government Code, add the following subsection:

(g) This section does not permit a license holder to carry a concealed handgun on the campus of an institution of higher education or private or independent institution of higher education if the campus is shared with a primary or secondary school.

(2) In the recital to SECTION ____ of the amendment, strike "Subsection (k)," and substitute "Subsections (k) and (l)".

(3) In SECTION ____ of the amendment, in amended Section 46.03, Penal Code, add the following subsection:

(l) Subsection (a)(1)(B) does not permit a person to possess a concealed handgun, or go with a concealed handgun, on the physical premises of an institution of higher education or private or independent institution of higher education if those premises are shared with a primary or secondary school.

The amendment to Floor Amendment No. 8 to **CSSB 5** was read.

On motion of Senator Wentworth, Floor Amendment No. 13 was tabled by the following vote: Yeas 20, Nays 11.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Wentworth, Whitmire, Williams.

Nays: Davis, Ellis, Gallegos, Hinojosa, Lucio, Rodriguez, Uresti, Van de Putte, Watson, West, Zaffirini.

Senator Ellis offered the following amendment to Floor Amendment No. 8:

Floor Amendment No. 14

Amend Floor Amendment No. 8 by Wentworth to **CSSB 5** (Senate Committee Printing) by adding the following SECTION to the ARTICLE added by the amendment:

SECTION _____. Subchapter H, Chapter 411, Government Code, is amended by adding Section 411.209 to read as follows:

Sec. 411.209. LIABILITY INSURANCE PREMIUMS. An insurance company doing business in this state may not increase the amount of the liability insurance premiums charged to an institution of higher education in this state solely because license holders are permitted to carry handguns on campus under Section 411.2031.

The amendment to Floor Amendment No. 8 to **CSSB 5** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 14.

Senator Ellis offered the following amendment to Floor Amendment No. 8:

Floor Amendment No. 15

Amend Floor Amendment No. 8 by Wentworth to **CSSB 5** (Senate Committee Printing) by adding the following SECTION to the ARTICLE added by the amendment:

SECTION _____. Subchapter H, Chapter 411, Government Code, is amended by adding Section 411.209 to read as follows:

Sec. 411.209. PAYMENT OF CERTAIN LIABILITY INSURANCE PREMIUMS. If the amount of a liability insurance premium paid by an institution of higher education in this state is higher than the amount that would be assessed as a premium for that institution if handguns were prohibited on campus, the state shall reimburse the institution for the difference between those amounts.

The amendment to Floor Amendment No. 8 to **CSSB 5** was read.

On motion of Senator Wentworth, Floor Amendment No. 15 was tabled by the following vote: Yeas 20, Nays 11.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Wentworth, Whitmire, Williams.

Nays: Davis, Ellis, Gallegos, Hinojosa, Lucio, Rodriguez, Uresti, Van de Putte, Watson, West, Zaffirini.

Question recurring on the adoption of Floor Amendment No. 8 as amended to **CSSB 5**, the amendment was adopted by the following vote: Yeas 19, Nays 12.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Patrick, Seliger, Shapiro, Wentworth, Whitmire, Williams.

Nays: Davis, Ellis, Gallegos, Hinojosa, Lucio, Ogden, Rodriguez, Uresti, Van de Putte, Watson, West, Zaffirini.

Senator Zaffirini withdrew further consideration of **CSSB 5**.

COMMITTEE SUBSTITUTE
SENATE BILL 1841 ON SECOND READING

Senator Van de Putte again moved to suspend the regular order of business to take up for consideration **CSSB 1841** at this time on its second reading:

CSSB 1841, Relating to the preservation and maintenance of the Alamo by the Texas Historical Commission.

The motion prevailed without objection.

The bill was read second time.

Senator Wentworth offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1841** (senate committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Subchapter C, Chapter 31, Natural Resources Code, is amended by adding Section 31.0515 to read as follows:

Sec. 31.0515. DUTIES RELATED TO THE ALAMO COMPLEX. The land commissioner shall:

(1) employ staff necessary to preserve and maintain the Alamo complex and contract for professional services of qualified consultants; and

(2) prepare an annual budget and work plan, including usual maintenance for the Alamo complex, including buildings on the Alamo property, their contents, and their grounds.

SECTION 2. Chapter 31, Natural Resources Code, is amended by adding Subchapter I to read as follows:

SUBCHAPTER I. THE ALAMO COMPLEX

Sec. 31.451. PRESERVATION AND MAINTENANCE OF ALAMO. (a) The Alamo complex is under the jurisdiction of the land office. The land office is responsible for the preservation, maintenance, and restoration of the Alamo complex and its contents and the protection of the historical and architectural integrity of the exterior, interior, and grounds of the Alamo complex.

(b) Any power or duty related to the Alamo complex formerly vested in any other state agency or entity is vested solely in the land office.

(c) Notwithstanding any other law, the land office is not required to comply with state purchasing law related to requests for proposals in carrying out its duties under this subchapter.

Sec. 31.452. ASSISTANCE FROM OTHER AGENCIES. The land office may consult with the State Preservation Board in the performance of duties under this subchapter. On request of the land office, the State Preservation Board shall assist the land office with the land office's duties relating to the Alamo complex.

Sec. 31.453. AGREEMENT WITH DAUGHTERS OF THE REPUBLIC OF TEXAS. (a) The land office shall enter into an agreement with the Daughters of the Republic of Texas for the management, operation, and financial support of the Alamo complex.

(b) The agreement at a minimum must:

(1) detail the expectations and goals of the land office and the Daughters of the Republic of Texas;

(2) outline the management and operation of the Alamo complex;

(3) establish management standards;

(4) provide for oversight by the land office;

(5) address funding and payment for costs;

(6) require some Alamo complex employees to be land office employees;

(7) address equipment;

(8) establish insurance requirements;

(9) address compliance with local, state, and federal building and operation

laws;

(10) address construction, maintenance, and repair;

(11) establish the term of the agreement, which may not be less than 10

years;

(12) require submission of financial information from the Daughters of the Republic of Texas, excluding chapters of the organization;

(13) address other activities of the Daughters of the Republic of Texas that would, as demonstrated by clear and convincing evidence, materially undermine the financial condition of the Daughters of the Republic of Texas or its duties under the agreement;

(14) address ownership by this state of the Alamo complex and its contents;

(15) include a dispute resolution process;

(16) provide that the laws of this state govern the agreement; and

(17) include notice requirements.

(c) The land office may enter into the agreement required by this section only if the Daughters of the Republic of Texas is a properly formed nonprofit corporation in this state in accordance with Section 2.008, Business Organizations Code, and is exempt from income taxation under Section 501(c)(3), Internal Revenue Code.

(d) All property received by the Daughters of the Republic of Texas in its capacity as custodian or trustee of the Alamo for the benefit of the Alamo and listed on the organization's balance sheet is subject to the requirements of this chapter and the agreement required by this section.

Sec. 31.454. THE ALAMO COMPLEX ACCOUNT. (a) The Alamo complex account is a separate account in the general revenue fund.

(b) The account consists of:

(1) transfers made to the account;

(2) fees and other revenue from operation of the Alamo complex;

(3) grants and donations from any source designated for the benefit of the

Alamo complex; and

(4) income earned on investments of money in the account.

(c) Appropriations to the land office for the preservation, operation, or maintenance of the Alamo complex shall be deposited to the credit of the account.

(d) The land office may use money in the account only to administer this subchapter, including to support the preservation, repair, renovation, improvement, expansion, equipping, operation, or maintenance of the Alamo complex or to acquire a historical item appropriate to the Alamo complex.

(e) Any money in the account not used in a fiscal year remains in the account. The account is exempt from the application of Section 403.095, Government Code.

Sec. 31.455. GRANTS; DONATIONS. The land office may accept a grant or donation for any program or purpose of the Alamo complex and use the funds in accordance with Section 31.454.

Sec. 31.456. ALAMO PRESERVATION ADVISORY BOARD. (a) The land office shall create an Alamo Preservation Advisory Board to:

(1) promote and support the Alamo complex;
(2) provide the resources and support necessary to advance the understanding and education of current and future generations on the historical significance and factual record of the Alamo complex;

(3) inspire virtues of honor and Texas pride;
(4) preserve the memory and achievement of individuals who served at the Alamo and provide a fitting tribute to the heroism of the people who paid the ultimate sacrifice for freedom and of the noble men and women of this state who have served in the armed forces or died while serving in the armed forces so that Texas may be free;

(5) promote and provide for the preservation, perpetuation, appropriate publication, and display of manuscripts, books, relics, pictures, oral histories, and all other items and information related to the history of the Alamo complex and of this state that preserve the historical character of the Alamo shrine; and

(6) promote, counsel, and provide support to governmental and private organizations that are committed to objectives similar to the objectives described in this subsection.

(b) The advisory board is composed of:

(1) the president of the Daughters of the Republic of Texas;
(2) the current Alamo chairman of the Daughters of the Republic of Texas;
(3) the immediate past Alamo Chairman of the Daughters of the Republic of

Texas;

(4) the Alamo curator;

(5) one representative of the Texas Historical Commission;

(6) one representative of the land office;

(7) the President of the Bexar County Historical Commission; and

(8) one representative who serves as a member of the City of San Antonio

Office of Historic Preservation.

(c) The president of the Daughters of the Republic of Texas serves as presiding officer of the advisory board.

(d) The representative of the land office serves as a nonvoting ex-officio member.

(e) Subject to approval by the advisory board, membership may be open to individuals and institutions interested in the purposes for which the advisory board was formed.

SECTION 3. Section 2203.003(a), Government Code, is amended to read as follows:

(a) The Daughters of the Confederacy, Texas Division, and the Daughters of the Republic of Texas each may charge admission to state property over which each organization has custody or control~~[-This subsection does not apply to the Alamo].~~

SECTION 4. The following are repealed:

(1) Article 6394, Revised Civil Statutes of 1911; and

(2) Chapter 7, Acts of the 29th Legislature, Regular Session, 1905.

SECTION 5. (a) If the General Land Office and the Daughters of the Republic of Texas have not entered into the agreement required by Section 31.453, Natural Resources Code, as added by this Act, before January 1, 2012, on that date the following are transferred to the land office:

(1) all powers and duties of the Daughters of the Republic of Texas relating to the Alamo complex;

(2) all unobligated and unexpended funds granted to the Daughters of the Republic of Texas and designated for the administration of the Alamo complex;

(3) all equipment and property acquired with state money by the Daughters of the Republic of Texas and used for the administration of or related to the Alamo complex; and

(4) all files and other records of the Daughters of the Republic of Texas kept by the organization regarding the Alamo complex.

(b) The Daughters of the Republic of Texas may agree with the General Land Office to transfer any property of the Daughters of the Republic of Texas to the General Land Office before January 1, 2012, to implement the transfer required by this Act.

(c) Notwithstanding any other law, the Daughters of the Republic of Texas shall continue to perform functions and activities related to the Alamo and granted by Chapter 7, Acts of the 29th Legislature, Regular Session, 1905, until January 1, 2012, and the former law is continued in effect for that purpose.

SECTION 6. This Act takes effect September 1, 2011.

The amendment to **CSSB 1841** was read.

Senator Wentworth withdrew Floor Amendment No. 1.

Senator Wentworth offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 1841** (senate committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Subchapter C, Chapter 31, Natural Resources Code, is amended by adding Section 31.0515 to read as follows:

Sec. 31.0515. DUTIES RELATED TO THE ALAMO COMPLEX. The land commissioner shall:

(1) employ staff necessary to preserve and maintain the Alamo complex and contract for professional services of qualified consultants; and

(2) prepare an annual budget and work plan, including usual maintenance for the Alamo complex, including buildings on the Alamo property, their contents, and their grounds.

SECTION 2. Chapter 31, Natural Resources Code, is amended by adding Subchapter I to read as follows:

SUBCHAPTER I. THE ALAMO COMPLEX

Sec. 31.451. PRESERVATION AND MAINTENANCE OF ALAMO. (a) The Alamo complex is under the jurisdiction of the land office. The land office is responsible for the preservation, maintenance, and restoration of the Alamo complex and its contents and the protection of the historical and architectural integrity of the exterior, interior, and grounds of the Alamo complex.

(b) Any power or duty related to the Alamo complex formerly vested in any other state agency or entity is vested solely in the land office.

(c) Notwithstanding any other law, the land office is not required to comply with state purchasing law related to requests for proposals in carrying out its duties under this subchapter.

Sec. 31.452. ASSISTANCE FROM OTHER AGENCIES. The land office may consult with the State Preservation Board in the performance of duties under this subchapter. On request of the land office, the State Preservation Board shall assist the land office with the land office's duties relating to the Alamo complex.

Sec. 31.453. AGREEMENT WITH DAUGHTERS OF THE REPUBLIC OF TEXAS. (a) The land office shall enter into an agreement with the Daughters of the Republic of Texas for the management, operation, and financial support of the Alamo complex.

(b) The agreement at a minimum must:

(1) detail the expectations and goals of the land office and the Daughters of the Republic of Texas;

(2) outline the management and operation of the Alamo complex;

(3) establish management standards;

(4) provide for oversight by the land office;

(5) address funding and payment for costs;

(6) require some Alamo complex employees to be land office employees;

(7) address equipment;

(8) establish insurance requirements;

(9) address compliance with local, state, and federal building and operation

laws;

(10) address construction, maintenance, and repair;

(11) establish the term of the agreement, which may not be less than 10

years;

(12) require submission of financial information from the Daughters of the Republic of Texas, excluding chapters of the organization;

(13) address other activities of the Daughters of the Republic of Texas that would, as demonstrated by clear and convincing evidence, materially undermine the financial condition of the Daughters of the Republic of Texas or its duties under the agreement;

(14) address ownership by this state of the Alamo complex and its contents;

(15) include a dispute resolution process;

(16) provide that the laws of this state govern the agreement; and

(17) include notice requirements.

(c) The land office may enter into the agreement required by this section only if the Daughters of the Republic of Texas is a properly formed nonprofit corporation in this state in accordance with Section 2.008, Business Organizations Code, and is exempt from income taxation under Section 501(c)(3), Internal Revenue Code.

(d) All property received by the Daughters of the Republic of Texas in its capacity as custodian or trustee of the Alamo for the benefit of the Alamo and listed on the organization's balance sheet is subject to the requirements of this chapter and the agreement required by this section.

Sec. 31.454. THE ALAMO COMPLEX ACCOUNT. (a) The Alamo complex account is a separate account in the general revenue fund.

(b) The account consists of:

- (1) transfers made to the account;
- (2) fees and other revenue from operation of the Alamo complex;
- (3) grants and donations from any source designated for the benefit of the

Alamo complex; and

- (4) income earned on investments of money in the account.

(c) Appropriations to the land office for the preservation, operation, or maintenance of the Alamo complex shall be deposited to the credit of the account.

(d) The land office may use money in the account only to administer this subchapter, including to support the preservation, repair, renovation, improvement, expansion, equipping, operation, or maintenance of the Alamo complex or to acquire a historical item appropriate to the Alamo complex.

(e) Any money in the account not used in a fiscal year remains in the account. The account is exempt from the application of Section 403.095, Government Code.

Sec. 31.455. GRANTS; DONATIONS. The land office may accept a grant or donation for any program or purpose of the Alamo complex and use the funds in accordance with Section 31.454.

Sec. 31.456. ALAMO PRESERVATION ADVISORY BOARD. (a) The land office may create an Alamo Preservation Advisory Board to:

- (1) promote and support the Alamo complex;

(2) provide the resources and support necessary to advance the understanding and education of current and future generations on the historical significance and factual record of the Alamo complex;

- (3) inspire virtues of honor and Texas pride;

(4) preserve the memory and achievement of individuals who served at the Alamo and provide a fitting tribute to the heroism of the people who paid the ultimate sacrifice for freedom and of the noble men and women of this state who have served in the armed forces or died while serving in the armed forces so that Texas may be free;

(5) promote and provide for the preservation, perpetuation, appropriate publication, and display of manuscripts, books, relics, pictures, oral histories, and all other items and information related to the history of the Alamo complex and of this state that preserve the historical character of the Alamo shrine; and

(6) promote, counsel, and provide support to governmental and private organizations that are committed to objectives similar to the objectives described in this subsection.

(b) The advisory board is composed of:

- (1) a designee appointed by the governor;
- (2) the president of the Daughters of the Republic of Texas;
- (3) the current Alamo chairman of the Daughters of the Republic of Texas;
- (4) the immediate past Alamo Chairman of the Daughters of the Republic of

Texas;

- (5) the Alamo curator;
- (6) one representative of the Texas Historical Commission;
- (7) one representative of the land office;
- (8) the President of the Bexar County Historical Commission; and
- (9) one representative who serves as a member of the City of San Antonio

Office of Historic Preservation.

(c) The president of the Daughters of the Republic of Texas serves as presiding officer of the advisory board.

(d) The representative of the land office serves as a nonvoting ex-officio member.

(e) Subject to approval by the advisory board, membership may be open to individuals and institutions interested in the purposes for which the advisory board was formed.

SECTION 3. Section 2203.003(a), Government Code, is amended to read as follows:

(a) The Daughters of the Confederacy, Texas Division, and the Daughters of the Republic of Texas each may charge admission to state property over which each organization has custody or control~~[. This subsection does not apply to the Alamo].~~

SECTION 4. The following are repealed:

- (1) Article 6394, Revised Civil Statutes of 1911; and
- (2) Chapter 7, Acts of the 29th Legislature, Regular Session, 1905.

SECTION 5. (a) If the General Land Office and the Daughters of the Republic of Texas have not entered into the agreement required by Section 31.453, Natural Resources Code, as added by this Act, before January 1, 2012, on that date the following are transferred to the land office:

- (1) all powers and duties of the Daughters of the Republic of Texas relating to the Alamo complex;
- (2) all unobligated and unexpended funds granted to the Daughters of the Republic of Texas and designated for the administration of the Alamo complex;
- (3) all equipment and property acquired with state money by the Daughters of the Republic of Texas and used for the administration of or related to the Alamo complex; and
- (4) all files and other records of the Daughters of the Republic of Texas kept by the organization regarding the Alamo complex.

(b) The Daughters of the Republic of Texas may agree with the General Land Office to transfer any property of the Daughters of the Republic of Texas to the General Land Office before January 1, 2012, to implement the transfer required by this Act.

(c) Notwithstanding any other law, the Daughters of the Republic of Texas shall continue to perform functions and activities related to the Alamo and granted by Chapter 7, Acts of the 29th Legislature, Regular Session, 1905, until January 1, 2012, and the former law is continued in effect for that purpose.

SECTION 6. This Act takes effect September 1, 2011.

The amendment to **CSSB 1841** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 2.

On motion of Senator Van de Putte and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1841 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 1841 ON THIRD READING

Senator Van de Putte moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1841** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1841**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1841** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

RECESS

On motion of Senator Whitmire, the Senate at 3:22 p.m. recessed until 3:45 p.m. today.

AFTER RECESS

The Senate met at 4:21 p.m. and was called to order by the President.

**MOTION TO PLACE
COMMITTEE SUBSTITUTE
HOUSE BILL 1 ON SECOND READING**

Senator Ogden moved to suspend the regular order of business to take up for consideration **CSHB 1** at this time on its second reading:

CSHB 1, General Appropriations Bill.

The motion was lost by the following vote: Yeas 19, Nays 12. (Not receiving two-thirds vote of Members present)

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Wentworth, Williams.

Nays: Davis, Ellis, Gallegos, Hinojosa, Lucio, Rodriguez, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

**PERMISSION TO INTRODUCE BILL
(Motion In Writing)**

On motion of Senator Whitmire and by unanimous consent, Senate Rule 7.07(b) was suspended to permit the introduction of the following bill: **SB 1927**.

BIRTHDAY GREETINGS EXTENDED

Senator Deuell was recognized and, on behalf of the Senate, extended birthday greetings to former State Senator and current Congressman, Ralph Hall.

MOTION TO RECESS

On motion of Senator Whitmire and by unanimous consent, the Senate at 7:51 p.m. agreed to recess, in memory of Jean Moffett Dendy, Jimmy Dean, and Jaime Jorge Zapata, upon completion of the introduction of bills and resolutions on first reading, until 11:00 a.m. tomorrow.

SENATE BILL ON FIRST READING

The following bill was introduced, read first time, and referred to the committee indicated:

SB 1927 by Zaffirini

Relating to the authority of certain volunteer firefighter and emergency services organizations to hold tax-free sales or auctions.

To Committee on Finance.

HOUSE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions received from the House were read first time and referred to the committees indicated:

- HB 38** to Committee on Criminal Justice.
- HB 127** to Committee on Education.
- HB 215** to Committee on Criminal Justice.
- HB 397** to Committee on International Relations and Trade.
- HB 598** to Committee on Transportation and Homeland Security.
- HB 736** to Committee on Higher Education.
- HB 1029** to Committee on Criminal Justice.
- HB 1127** to Committee on Veteran Affairs and Military Installations.
- HB 1451** to Committee on Criminal Justice.
- HB 1559** to Committee on Jurisprudence.
- HB 1593** to Committee on State Affairs.
- HB 1627** to Committee on State Affairs.
- HB 1665** to Committee on Veteran Affairs and Military Installations.
- HB 1683** to Committee on Transportation and Homeland Security.
- HB 1721** to Committee on Criminal Justice.
- HB 1737** to Committee on Transportation and Homeland Security.
- HB 1750** to Committee on Transportation and Homeland Security.
- HB 1767** to Committee on Intergovernmental Relations.
- HB 1771** to Committee on Jurisprudence.
- HB 1823** to Committee on Criminal Justice.
- HB 1841** to Committee on Finance.
- HB 1898** to Committee on Transportation and Homeland Security.
- HB 1906** to Committee on Natural Resources.
- HB 1940** to Committee on Criminal Justice.
- HB 2033** to Committee on Business and Commerce.
- HB 2047** to Committee on Jurisprudence.
- HB 2067** to Committee on Business and Commerce.
- HB 2091** to Committee on Administration.
- HB 2108** to Committee on Agriculture and Rural Affairs.
- HB 2133** to Committee on Natural Resources.
- HB 2144** to Committee on State Affairs.
- HB 2223** to Committee on Transportation and Homeland Security.
- HB 2226** to Committee on Intergovernmental Relations.
- HB 2238** to Committee on Intergovernmental Relations.
- HB 2245** to Committee on Health and Human Services.
- HB 2277** to Committee on State Affairs.
- HB 2286** to Committee on Health and Human Services.
- HB 2289** to Committee on Natural Resources.
- HB 2344** to Committee on Criminal Justice.
- HB 2346** to Committee on Transportation and Homeland Security.
- HB 2403** to Committee on Finance.

HB 2466 to Committee on Transportation and Homeland Security.
HB 2472 to Committee on Criminal Justice.
HB 2476 to Committee on Finance.
HB 2518 to Committee on Government Organization.
HB 2575 to Committee on Transportation and Homeland Security.
HB 2579 to Committee on Economic Development.
HB 2615 to Committee on Business and Commerce.
HB 2623 to Committee on Transportation and Homeland Security.
HB 2624 to Committee on Veteran Affairs and Military Installations.
HB 2769 to Committee on Government Organization.
HB 2869 to Committee on Intergovernmental Relations.
HB 2900 to Committee on Jurisprudence.
HB 2920 to Committee on State Affairs.
HB 2928 to Committee on Veteran Affairs and Military Installations.
HB 2935 to Committee on Jurisprudence.
HB 2936 to Committee on Jurisprudence.
HB 2937 to Committee on Higher Education.
HB 2966 to Committee on Criminal Justice.
HB 3003 to Committee on Intergovernmental Relations.
HB 3051 to Committee on Health and Human Services.
HB 3208 to Committee on Transportation and Homeland Security.
HB 3272 to Committee on Natural Resources.
HB 3459 to Committee on Criminal Justice.
HB 3465 to Committee on Economic Development.
HB 3470 to Committee on Veteran Affairs and Military Installations.
HB 3531 to Committee on Health and Human Services.
HB 3788 to Committee on Intergovernmental Relations.
HB 3803 to Committee on Intergovernmental Relations.
HCR 18 to Committee on State Affairs.
HCR 24 to Committee on Government Organization.

CO-AUTHORS OF SENATE BILL 34

On motion of Senator Zaffirini, Senators Gallegos and Hinojosa will be shown as Co-authors of **SB 34**.

CO-AUTHORS OF SENATE BILL 1363

On motion of Senator Lucio, Senators Hinojosa and Uresti will be shown as Co-authors of **SB 1363**.

CO-AUTHOR OF SENATE BILL 1422

On motion of Senator Nelson, Senator Harris will be shown as Co-author of **SB 1422**.

CO-SPONSOR OF HOUSE BILL 1754

On motion of Senator Wentworth, Senator Ellis will be shown as Co-sponsor of **HB 1754**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 903 by Ellis, In memory of Joe Roach, Jr., of Houston.

SR 905 by Lucio, In memory of Raul G. Garza of Kingsville.

SR 906 by Lucio, In memory of Jose E. "Gene" Moody of San Benito.

Congratulatory Resolutions

SR 897 by Lucio, Commending Isbah Rajah for advocating for health care reform.

SR 898 by Lucio, Recognizing T. R. "Hap" Roberts for his 48 years of service in law enforcement.

SR 899 by Huffman, Commending Matthew Arthur Hess for achieving the rank of Eagle Scout.

SR 900 by Huffman, Commending Michael Travis Martin for achieving the rank of Eagle Scout.

SR 904 by Ellis, Recognizing members of the Senate Ladies Club who have been members for 25 or 50 years.

HCR 9 (Watson), Congratulating the Honorable Jack Pope on the occasion of his 98th birthday.

HCR 104 (Duncan), Congratulating Dr. Kitty Harris Wilkes on her selection as a 2011 YWCA of Lubbock Woman of Excellence.

HCR 105 (Duncan), Congratulating Beth Lawson on her selection as a 2011 YWCA of Lubbock Woman of Excellence.

HCR 106 (Duncan), Congratulating Aimee Doane on being named a 2011 Lubbock YWCA Woman of Excellence.

HCR 107 (Duncan), Congratulating Dr. Kamlesh Varma on her selection as a 2011 YWCA of Lubbock Woman of Excellence.

HCR 108 (Duncan), Congratulating Dr. Kelly Overley on her selection as a 2011 Woman of Excellence by the YWCA of Lubbock.

HCR 111 (Duncan), Congratulating Yvonne Racz Key on her selection as a 2011 YWCA of Lubbock Woman of Excellence.

HCR 112 (Duncan), Congratulating Sarah Jo Lambert on her selection as a 2011 YWCA of Lubbock Woman of Excellence.

HCR 113 (Duncan), Congratulating Kay Cross on her receipt of the Jane O. Burns Award from the YWCA of Lubbock.

RECESS

Pursuant to a previously adopted motion, the Senate at 7:56 p.m. recessed, in memory of Jean Moffett Dendy, Jimmy Dean, and Jaime Jorge Zapata, until 11:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Secretary of the Senate in the order listed:

May 3, 2011

INTERGOVERNMENTAL RELATIONS — CSSB 1120

STATE AFFAIRS — HB 438, HB 457, HB 1032, HB 2561, SB 1671

HIGHER EDUCATION — CSSB 40

BUSINESS AND COMMERCE — SB 712, HB 1064, HB 1952, HB 1953, HB 2503, HB 2375, HB 2559, HB 2582, HB 2680, HB 3287

AGRICULTURE AND RURAL AFFAIRS — SB 1905, HB 46, HB 1300, HB 1322, HB 1346, HB 1527, HB 1806

STATE AFFAIRS — CSSB 1417

FINANCE — CSSB 1334

BUSINESS AND COMMERCE — HB 1936, HB 1625, HB 1753, HB 2012, HB 2991

BILLS ENGROSSED

May 2, 2011

SB 462, SB 1206, SB 1864

BILLS AND RESOLUTIONS ENROLLED

May 2, 2011

SB 539, SB 646, SB 785, SR 845, SR 884, SR 886, SR 887, SR 888, SR 889, SR 890, SR 891, SR 894, SR 895

SENT TO GOVERNOR

May 3, 2011

SB 423, SB 539, SB 646, SB 693, SB 785

In Memory**of****Jimmy Dean****Senate Resolution 850**

WHEREAS, The Senate of the State of Texas honors and commemorates the life of Jimmy Dean, who died June 13, 2010, at the age of 81; and

WHEREAS, Jimmy Dean overcame childhood poverty and a lack of formal education to become one of the most recognized faces in the country as an iconic country singer and entertainer and as spokesman for the successful sausage company that bore his name; and

WHEREAS, Jimmy Dean was born August 10, 1928, and grew up in Plainview; his mother taught him to play piano and he went on to pick up guitar, harmonica, and accordion; he dropped out of school after the ninth grade to join the United States Merchant Marine, where he spent two years before enlisting in the United States Air Force; and

WHEREAS, Mr. Dean began his musical career while serving at Bolling Air Force Base in Washington, sitting in at a local bar for a fiddler who had called in sick; by the early 1950s, he was the frontman for the Texas Wildcats, playing on the radio and at county and state fairs; and

WHEREAS, He recorded his first hit song in 1953 and in 1961 recorded "Big Bad John," a song about a miner who died saving his fellow workers in a mine collapse that spent five weeks at number one on the *Billboard* charts; he hosted a variety show on the ABC television network from 1963 until 1966 and appeared in several television series and films, including the James Bond thriller *Diamonds Are Forever*; and

WHEREAS, Mr. Dean headlined at venues like Carnegie Hall and the Hollywood Bowl and was the first country star to play on the Las Vegas strip; he was the first guest host on *The Tonight Show* and recorded several more hit songs, including "P.T. 109," "Sam Hill," and "I.O.U.," a spoken-word song dedicated to his mother; he was elected to the Country Music Hall of Fame in 2010; and

WHEREAS, He created the Jimmy Dean Meat Company in Plainview in 1969 and for more than three decades served as its spokesman on television, representing its products with his Texas charm; and

WHEREAS, A man of honor, strength, and determination, he will long be remembered for his generous spirit and his many accomplishments, which have enriched the culture of our state and nation; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby pay tribute to the life and legacy of Jimmy Dean; and, be it further

RESOLVED, That a copy of this Resolution be prepared in memory of this hometown Texas icon, and that when the Senate adjourns this day, it do so in memory of Jimmy Dean.

DUNCAN

**In Memory
of
Jaime Jorge Zapata
Senate Resolution 330**

WHEREAS, The Senate of the State of Texas honors and commemorates the life of Jaime Jorge Zapata, who died February 15, 2011, at the age of 32 while serving his country as a special agent for United States Immigration and Customs Enforcement; and

WHEREAS, Jaime Jorge Zapata was born May 7, 1978, in Brownsville to Amador Zapata, Jr., and Mary Zapata-Muñoz; he graduated from The University of Texas at Brownsville in 2005; and

WHEREAS, Mr. Zapata joined United States Immigration and Customs Enforcement in 2006 and served with honor and distinction over the course of his career; he was a member of the Human Smuggling and Trafficking Unit and the Border Enforcement Security Task Force; and

WHEREAS, A young man of courage, strength, and compassion, he gave unselfishly to others, and his patriotism, his dedication to duty, and his commitment to doing the right thing will not be forgotten by those who knew him; and

WHEREAS, He was a loving son and brother, and he leaves behind memories that will be treasured forever by his family and countless friends; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby extend sincere condolences to the bereaved family of Jaime Jorge Zapata: his parents, Amador Zapata, Jr., and Mary Zapata-Muñoz; his fiancée, Stacye Joyner; and his brothers, Amador Zapata III, Carlos Zapata, Jose Zapata, and Erick Zapata; and, be it further

RESOLVED, That a copy of this Resolution be prepared for his family as an expression of deepest sympathy from the Texas Senate, and that when the Senate adjourns this day, it do so in memory of Jaime Jorge Zapata.

LUCIO

In Memory
of
Jean Moffett Dendy
Senate Resolution 810

WHEREAS, The Senate of the State of Texas honors and commemorates the life of Jean Moffett Dendy, whose days were cut short September 27, 2009; and

WHEREAS, To know Jean was to love Jean, because love was her customary frame of mind; she loved working in the Texas Senate, and she loved the people with whom she worked, from the passionate young people she trained to the grizzled veterans who knew she would tell them the unvarnished truth; and

WHEREAS, Jean Dendy was born three days after Christmas, and she carried with her throughout her life a sense of that season's possibilities as well as its good cheer; always quick with a smile or a laugh, she was the glue that held an office together, even on those difficult days that come to pass in every legislative session; and

WHEREAS, Her family in the office of Senator Davis will forever cherish the memories of carpooling to the district, of shared dinners and tours of the Capitol, of her ignoring them while she jammed to the music on her headphones, and of her excitement at finally, finally, getting her own office after 17 years; and

WHEREAS, Jean Dendy left a legacy of service and warm collegiality in the halls of the Texas Capitol; providing her invaluable assistance in several offices, she worked for Senator Moncrief for 12 years and for Senator Ellis for six years before bringing her experience and enthusiasm to the office of Senator Davis; and

WHEREAS, Even more than her life at the Senate, Jean treasured her family above all else; her husband, Henry, her sons, Patrick and Andrew, and her extended family all will remember her for her warmth, her abiding devotion, and her valued counsel; and

WHEREAS, A woman of courage, strength, faith, and compassion, she gave unselfishly to all those who were privileged to share in her life, and she will long be remembered with affection and admiration for her generous spirit and her many accomplishments; now, therefore, be it

RESOLVED, That the Senate of the State of Texas hereby extend sincere condolences to the grieving family of Jean Moffett Dendy; and, be it further

RESOLVED, That a copy of this Resolution be prepared for her family as an expression of profound sympathy from the Texas Senate.

DAVIS
ELLIS

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FIFTY-SECOND DAY

(Continued)

(Wednesday, May 4, 2011)

AFTER RECESS

The Senate met at 11:28 a.m. and was called to order by Senator Eltife.

Grove Norwood, The Heart of Texas Foundation, was introduced by Senator Patrick and offered the invocation as follows:

Our heavenly Father, every man and woman in this room knows that all rocks roll downhill. It's the children who are at the bottom. They have no vote, no voice, and no influence. Every single act we adults perform, execute, or legislate ultimately affects the children. Whether we act in Austin or in Amarillo, in Del Rio or Dalhart, it's our children who are ultimately impacted either for good or for bad. Father, our state is precious to all of us. Our people are precious to us. And our children are most precious of all. They are more important than anything, and it is ultimately for them that all the good we do must stand. Our God, we pray today that our decisions made in this hallowed place will, in this session more than any of those in the past, bring to our children a Texas even more kind, more gentle, more fair, and more nurturing than it has ever been. Thank you for Texas, for our Texas, for our little ones who are counting on us to keep them in mind in all we do, for it cannot be about us, it cannot be about the next election. It must be about them, the next generation. Help us to love them well, love them fairly and faithfully, and to conduct our work in this place with a unity and a glorious sense of purpose that is far above ourselves. It is You to whom we must answer. We thank You for this great responsibility and for the honor of being the ones chosen for such a time as this. God give to us Your wisdom and Your sacred heart of love, and may that love show in every debate, every opinion, and every action. And may the day soon come when Texas will have removed all the things which trip up our children and that the pace for that great movement will have begun right here and continued forward, this very day.

PHYSICIAN OF THE DAY

Senator Watson was recognized and presented Dr. Dana Sprute of Austin as the Physician of the Day.

The Senate welcomed Dr. Sprute and thanked her for her participation in the Physician of the Day program sponsored by the Texas Academy of Family Physicians.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER
Austin, Texas
Wednesday, May 4, 2011 - 1

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HB 90 Cook
Relating to eligibility to obtain a driver's license.

HB 123 Veasey
Relating to an adult diabetes education program in certain county hospital systems and hospital districts.

HB 2608 Harper-Brown
Relating to the continuation and functions of the Texas Department of Housing and Community Affairs.

HCR 42 Madden
Expressing support for the current FBI effort to reevaluate existing policies, standards, and protocols for forensic DNA testing laboratories and expressing support for any new policies, standards, and protocols that would hold public and private labs to the same standards, audits, and review process, urging Congress to pass any necessary federal legislation that ensures continued quality in forensic science while holding public and private lab DNA analysis to the same standards, and encouraging Texas law enforcement agencies to use forensic science review methods that will eliminate DNA testing backlogs.

HJR 98 Burkett
Proposing a constitutional amendment denying bail to certain persons charged with a violent or sexual offense after having been previously convicted of a violent or sexual offense.

SB 398 Duncan Sponsor: Frullo
Relating to the board of hospital managers of the Lubbock County Hospital District.

SB 410 Eltife Sponsor: Lavender
Relating to the name and powers of the Red River Redevelopment Authority.

SB 428 Huffman Sponsor: Thompson
Relating to notice to a judgment debtor of the filing of a foreign judgment.

SB 483 Harris Sponsor: Smith, Todd
Relating to the powers and duties of criminal law magistrates in Tarrant County.

SB 655 Hegar Sponsor: Keffer
Relating to the continuation, functions, and name of the Railroad Commission of Texas.
(Committee Substitute/Amended)

SB 1147 Duncan Sponsor: Ritter
Relating to the nonsubstantive revision of certain local laws concerning special districts, including conforming amendments.

SB 1258 Duncan Sponsor: Hardcastle
Relating to the disposal of demolition waste from abandoned or nuisance buildings in certain areas.

SB 1269 Wentworth Sponsor: Branch
Relating to transportation, lodging, and meals offered to and accepted by public servants.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

GUESTS PRESENTED

Senator Hegar was recognized and introduced to the Senate a Republican Women of Yoakum delegation.

The Senate welcomed its guests.

SENATE RESOLUTION 901

Senator Huffman offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to join Texans across the state in observing October of 2011 as Inflammatory Breast Cancer Awareness Month; and

WHEREAS, Inflammatory breast cancer is a type of breast cancer in which cancer cells block the lymph vessels in the skin of the breast; symptoms, which may appear overnight, are similar to those of mastitis, a benign infection; this similarity sometimes results in misdiagnoses and delays in treatment, and such postponements in care often result in an eventual Stage IV diagnosis; and

WHEREAS, Accounting for less than five percent of breast cancer cases, inflammatory breast cancer is the most aggressive form of the disease, due to its faster doubling time; its five-year survival rate is approximately 40 percent, mainly because of delays in diagnosis, the disease's resistance to treatment with standard chemotherapy, and a lack of expertise in treating this rare form of cancer; and

WHEREAS, Because it does not form the characteristic lump that can alert women to the presence of breast cancer, inflammatory breast cancer can quickly spread undetected throughout the breast and is also rarely detected by mammograms or ultrasounds; and

WHEREAS, The treatment of inflammatory breast cancer differs from other breast cancer treatments, and early diagnosis by a physician with experience in caring for inflammatory breast cancer is essential; it is truly fitting that a month be set aside to raise awareness about this devastating disease through education of the general public and the medical community; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby commend those who are working to fight inflammatory breast cancer and call on Texans to observe October of 2011 as Inflammatory Breast Cancer Awareness Month; and, be it further

RESOLVED, That a copy of this Resolution be prepared in honor of Inflammatory Breast Cancer Awareness Month.

SR 901 was read and was adopted without objection.

GUESTS PRESENTED

Senator Huffman, joined by Senator Wentworth, was recognized and introduced to the Senate Terry Arnold, Ben Munoz, Dale Morris, State Senator Tim Jennings of New Mexico, and representatives from Susan G. Komen for the Cure and The University of Texas MD Anderson Cancer Center.

The Senate welcomed its guests.

SENATE RESOLUTION 874

Senator West offered the following resolution:

SR 874, Commending the Justin Ford Kimball High School boys basketball team on winning the 2011 University Interscholastic League Class 4A state championship.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator West was recognized and introduced to the Senate members of the Kimball High School boys' 2011 UIL Class 4A state championship basketball team: Austin Franklin, Jalen Jones, and Shannon Lilly; and Coaches Royce Johnson, Toby Daniels, Ryan Foppe, Robert Jacobs, and Bo Johnson.

The Senate welcomed its guests.

SENATE RESOLUTION 893

Senator Hinojosa offered the following resolution:

SR 893, Commending Martha L. Valencia on her contributions to the citizens of South Texas.

HINOJOSA
LUCIO
ZAFFIRINI

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Hinojosa was recognized and introduced to the Senate Martha Valencia, Alejandro Arango, Jorge Arango, and Mario Garza.

The Senate welcomed its guests.

SENATE RESOLUTION 740

Senator Van de Putte offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the 149th Air National Guard for its valuable contributions to the people of Bexar County and this state through its mission at Lackland Air Force Base; and

WHEREAS, The federal mission of the 149th Air National Guard provides training of F-16 pilots and combat personnel for worldwide operations; and

WHEREAS, In 2009, the mission of the 149th Air National Guard at Lackland Air Force Base provided an economic impact to the San Antonio area of over \$100 million and more than 1,000 directly and indirectly related jobs; and

WHEREAS, In addition, the 149th Medical Group serves the State of Texas in several capacities; it is the on-call medical team for the Federal Emergency Management Agency Region 6 for emergencies and was the lead medical unit responding to recent hurricanes, including Hurricane Katrina; and

WHEREAS, The 149th Air National Guard is currently flying the aging F-16 airframe and is in the process of retiring it and replacing it with the F-35, Lightning II airframe in order to secure a vibrant, frontline fighter mission; and

WHEREAS, The 149th Air National Guard's mission is of supreme importance to our state and nation and has been a welcome benefit to the welfare of our state, and it is important that Texas lend its support to the F-35 airframe transition and proudly advocate that Lackland Air Force Base be on the next list of basing locations; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby extend its full support to the 149th Air National Guard's transition from the F-16 airframe to the F-35, Lightning II Fighter aircraft and advocate that the United States Department of Defense name Lackland Air Force Base to the next list of the F-35 base locations; and, be it further

RESOLVED, That a copy of this Resolution be prepared as an expression of admiration and appreciation for the 149th Air National Guard.

SR 740 was again read.

The resolution was previously adopted on Monday, April 11, 2011.

GUESTS PRESENTED

Senator Van de Putte was recognized and introduced to the Senate a 149th Air National Guard delegation: Chief Master Sergeant John Mead, Major Eric Cox, Lieutenant Colonel Don Kang, Lieutenant Colonel Gordon Niebergall, and Colonel Connie McNabb.

The Senate welcomed its guests.

SENATE RESOLUTION 895

Senator Nelson offered the following resolution:

SR 895, Proclaiming May of 2011 to be Elder Abuse Prevention Month in Texas.

The resolution was again read.

The resolution was previously adopted on Monday, May 2, 2011.

GUESTS PRESENTED

Senator Nelson was recognized and introduced to the Senate Adult Protective Services program representatives.

The Senate welcomed its guests.

SENATE RESOLUTION 902

Senator Hinojosa offered the following resolution:

SR 902, Recognizing May 4, 2011, as United Technologies Corporation Legislative Day at the State Capitol.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Hinojosa was recognized and introduced to the Senate a United Technologies Corporation delegation.

The Senate welcomed its guests.

SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

The Presiding Officer announced the time had arrived to consider executive appointments to agencies, boards, and commissions. Notice of submission of these names for consideration was given yesterday by Senator Deuell.

Senator Deuell moved confirmation of the nominees reported yesterday by the Committee on Nominations.

The Presiding Officer asked if there were requests to sever nominees.

There were no requests offered.

NOMINEES CONFIRMED

The following nominees, as reported by the Committee on Nominations, were confirmed by the following vote: Yeas 31, Nays 0.

Member, Board of Pardons and Paroles: David G. Gutierrez, Lubbock County.

Member, Council on Sex Offender Treatment: Louis Gonzales, Williamson County.

Members, Health and Human Services Council: Kathleen O. Angel, Travis County; Maryann Miyun Choi, Williamson County; Karen Hunter Harris, Bandera County.

Independent Ombudsman, Office of Independent Ombudsman for the Texas Youth Commission: Debbie Kay Unruh, Travis County.

Member, State Board of Veterinary Medical Examiners: Richard Scott Bonner, Nueces County.

Members, State Employee Charitable Campaign Policy Committee: Gregory Scott Davidson, Lee County; Peter Paul Flores, Travis County; Louri Marie O'Leary, Travis County; Cecile Lynn Erwin Young, Travis County.

Members, State Health Services Council: Kirk Aquilla Calhoun, Smith County; David Allen Woolweaver, Cameron County.

Members, State Pension Review Board: Leslie Lynn Greco-Pool, Tarrant County; Jerry Robert Massengale, Lubbock County.

Members, Texas Board of Occupational Therapy Examiners: William N. Hale, Travis County; DeLana Kaye Honaker, Randall County; Stephanie Johnston, Montgomery County; Pamela D. Nelon, Tarrant County.

Members, Texas Board of Orthotics and Prosthetics: Rebecca Hill Brou, Aransas County; David R. Kercheval, Johnson County.

Members, Texas Commission of Licensing and Regulation: Lilian Elizabeth Norman Keeney, Harris County; Ravi Shah, Denton County.

Members, Board of Directors, Texas Health Services Authority: Frederick Buckwold, Harris County; David C. Fleeger, Travis County; Matthew J. Hamlin, Denton County; James Lloyd Martin, Travis County; Edward W. Marx, Tarrant County; Kathleen K. Mechler, Gillespie County; William A. Phillips, Bexar County; Judith Day Powell, Montgomery County; Jennifer Lynn Rangel, Travis County; J. Darren Rodgers, Dallas County; Stephen Yurco, Travis County.

Members, Texas Juvenile Probation Commission: William Player Conley, Hays County; Migdalia Lopez, Cameron County; Scott F. O'Grady, Collin County.

Members, Texas Military Preparedness Commission: Ernest Aliseda, Hidalgo County; Thomas Carl Duncavage, Galveston County; Arthur Rojas Emerson, Bexar County; Woody Francis Gilliland, Taylor County; William H. Parry, Bell County; Karen Summerfield Rankin, Bexar County; Alton F. Thomas, El Paso County.

Members, Governing Board, Texas Youth Commission: Joseph D. Brown, Grayson County; Larry Carroll, Midland County; Scott W. Fisher, Tarrant County; Manson B. Johnson, Harris County; J. Rolando Olvera, Cameron County; Toni A. Johnson Sykora, Bexar County; David Dean Teuscher, Jefferson County.

SENATE RESOLUTION 765

Senator Uresti offered the following resolution:

SR 765, Recognizing the sixth class of the Senator Gregory Luna Legislative Scholars and Fellows Program.

The resolution was again read.

The resolution was previously adopted on Wednesday, April 13, 2011.

(President in Chair)**GUESTS PRESENTED**

Senator Uresti, joined by the President and Senators Davis, Duncan, Estes, Hinojosa, Lucio, Rodriguez, Seliger, Van de Putte, Watson, West, and Zaffirini, was recognized and introduced to the Senate Senator Gregory Luna Legislative Scholars and Fellows Program participants: Lionel Aguirre, Ryan Alter, Roy Attwood, Ryan Delgado, Wendilyn Ilund Diaz, Andrea Garcia, Maria Garcia, Omar Gomez, Andrea Gutierrez, Matthew Hall, Cathryn Ibarra, Robert Lopez, Yesenia Lugo, Daniel Vasquez, Lissette Villerruel, Priscilla Weninger, and Elisabeth Crawford of Coatepec, Veracruz, Mexico.

The Senate welcomed its guests.

(Senator Eltife in Chair)**SENATE RESOLUTION 878**

Senator Fraser offered the following resolution:

SR 878, Recognizing May 4, 2011, as Texas Environmental Excellence Awards Day at the State Capitol.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Fraser, joined by Senators Lucio, Rodriguez, Shapiro, Van de Putte, and Wentworth, was recognized and introduced to the Senate the 2011 Texas Environmental Excellence Awards recipients: Rockport fifth-grade students: Carson Nesloney; Kyler Friebele; Alexis Bracht; Zane Kaiser; Heavenly Flores; principal, Jeremy Saegert; and teacher, Martha McLeod; Wimberley Valley Watershed Association: David Baker; Harlingen Irrigation District-Cameron County No. 1: Wayne Halbert and Tom McLemore; Valley Proud Environmental Council: Georgiana Matz and Laura Maxwell; San Antonio Water System: Roberto Anguiano and Greg Flores; U.S. Army, Fort Bliss Directorate of Public Works of El Paso: Colonel Joseph A. Simonelli, Jr., and Lilia Lenhart; Union Pacific Railroad: Lanny A. Schmid and Mike E. Iden; and North Texas Municipal Water District: James M. Parks and Sallie Parks.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Watson was recognized and introduced to the Senate Honorary Senate Pages Bernard and Olivia Uechtritz, the great-nephew and great-niece of Secretary of the Senate Patsy Spaw.

The Senate welcomed its guests.

GUEST PRESENTED

Senator Patrick was recognized and introduced to the Senate Honorary Senate Page Graham Norwood.

The Senate welcomed its guest.

(President in Chair)

BILL AND RESOLUTION SIGNED

The President announced the signing of the following enrolled bill and resolution in the presence of the Senate after the caption had been read: **HB 1510, HCR 73.**

**COMMITTEE SUBSTITUTE
HOUSE BILL 1 ON SECOND READING**

The President laid before the Senate **CSHB 1** sponsored by Senator Ogden at this time on its second reading:

CSHB 1, General Appropriations Bill.

The bill was read second time.

Senator Ogden offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 1** as follows:

Overview

Amend Senate Committee Substitute for House Bill 1 by adding a provision to Article IX adjusting certain appropriations previously adopted in the preceding articles. This action includes the following for the 12-13 biennium:

- Strike Art IX, Section 18.09 of Senate Committee Substitute to House Bill 1.
- Add a new provision to Article IX reducing \$1,250,000,000 in fiscal year 2013 General Revenue appropriations to Medicaid.
- Add a new provision to Article IX making a 1.2% General Revenue Related appropriation reduction in fiscal year 2013 to state agencies and institutions of higher education, excepting the Foundation School Program, with restoration contingent on certification of additional revenue by the Comptroller of Public Accounts.

Required Action

1. In Article IX of Senate CSHB 1, strike Section 18.09 and renumber subsequent provisions accordingly.

2. On page IX-71 of Senate CSHB 1, add the following new rider:

___ . **Appropriations Reduction.** Reduce certain fiscal year 2013 General Revenue appropriations made for the purpose of funding the state Medicaid program elsewhere in this Act as follows:

a. The Department of Aging and Disability Services is hereby reduced by \$1,000,000,000; and

b. The Health and Human Services Commission is hereby reduced by \$250,000,000.

3. On page IX-71 of Senate CSHB 1, add the following new rider:

___ . **Reduction to State Appropriations.** General Revenue and General Revenue-Dedicated appropriations made elsewhere in this Act to state agencies and institutions of higher education, save for appropriations to the Foundation School Program, estimated to be \$58,069,500,000 for the 2012-13 biennium, are hereby reduced by 1.2% proportional to each entity's level of appropriation herein. The total

amount of reduction is estimated to be \$690,000,000. The reduction shall be made to appropriations provided for fiscal year 2013. This reduction is subject to the following:

- 1) Appropriations made for debt service shall not be subject to this provision.
- 2) The Legislative Budget Board and the Comptroller of Public Accounts shall make a calculation of that total amount of reduction for each entity.
- 3) State agencies and institutions of higher education are directed to take the following measures, as appropriate, to achieve this savings:
 - a) Work with the Comptroller of Public Accounts to increase the efficiency and cost-effectiveness of procurement;
 - b) Institute a freeze on employment, not filling vacant positions;
 - c) Constrain or eliminate travel; and
 - d) Otherwise manage fiscal and human resources to protect the core services of the agency or institution while operating under the limitations of this and other provisions of this Act.

Should the Comptroller of Public Accounts certify any general revenue receipts in excess of the amount of probable general revenue receipts for the biennium ending August 31, 2013 (stated in the Comptroller's Biennial Revenue Estimate for 2012-2013 and as revised by the Comptroller on March 13, 2011) and as further adjusted for estimates of revenue associated with legislation enacted by the 82nd Legislature, appropriations to the state agencies and institutions of higher education reduced in this section are hereby increased by a like amount not to exceed \$690,000,000 in proportion to the reduction identified above.

The amendment to **CSHB 1** was read and was adopted by the following vote: Yeas 19, Nays 12.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Wentworth, Williams.

Nays: Davis, Ellis, Gallegos, Hinojosa, Lucio, Rodriguez, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

On motion of Senator Ogden and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSHB 1 as amended was passed to third reading by the following vote: Yeas 19, Nays 12. (Same as previous roll call)

AT EASE

The President at 1:22 p.m. announced the Senate would stand At Ease subject to the call of the Chair.

IN LEGISLATIVE SESSION

Senator Eltife at 1:38 p.m. called the Senate to order as In Legislative Session.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1674 ON SECOND READING**

On motion of Senator Harris and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 1674** at this time on its second reading:

CSHB 1674, Relating to procedures for establishment, modification, and enforcement of child support obligations.

The bill was read second time.

Senator West offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 1674** (Senate Committee Printing) by adding the following SECTIONS and renumbering subsequent SECTIONS appropriately:

"SECTION _____. Section 157.263, Family Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) In rendering a money judgment under this section, the court may not reduce or modify the amount of child support arrearages but, in confirming the amount of arrearages, may allow a counterclaim or offset as provided by this title.

SECTION _____. Subchapter B, Chapter 231, Family Code, is amended by adding Section 231.124 to read as follows:

Sec. 231.124. CHILD SUPPORT ARREARAGES PAYMENT INCENTIVE PROGRAM. (a) The Title IV-D agency may establish and administer a payment incentive program to promote payment by obligors who are delinquent in satisfying child support arrearages assigned to the Title IV-D agency under Section 231.104(a).

(b) A program established under this section must provide to a participating obligor a credit for every dollar amount paid by the obligor on interest and arrearages balances during each month of the obligor's voluntary enrollment in the program. In establishing a program under this section, the Title IV-D agency by rule must prescribe:

(1) criteria for a child support obligor's initial eligibility to participate in the program;

(2) the conditions for a child support obligor's continued participation in the program;

(3) procedures for enrollment in the program; and

(4) the terms of the financial incentives to be offered under the program.

(c) The Title IV-D agency shall provide eligible obligors with notice of the program and enrollment instructions.

SECTION _____. Section 157.262, Family Code, is repealed.

SECTION _____. Subsection (b-1), Section 157.263, Family Code, as added by this Act, applies to a motion for enforcement of child support that is pending before a trial court on or filed on or after the effective date of this Act.

The amendment to **CSHB 1674** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Harris and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSHB 1674 as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1674 ON THIRD READING**

Senator Harris moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 1674** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSHB 1674**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSHB 1674** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1564 ON SECOND READING**

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1564** at this time on its second reading:

CSSB 1564, Relating to developmental education courses and the assessment of student readiness under the Texas Success Initiative for public institutions of higher education.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1564 ON THIRD READING**

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1564** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1564**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1564** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 346 ON SECOND READING**

Senator Gallegos moved to suspend the regular order of business to take up for consideration **CSSB 346** at this time on its second reading:

CSSB 346, Relating to the curriculum that must be provided by a disciplinary alternative education program.

The motion prevailed.

Senators Birdwell, Deuell, Nichols, and Patrick asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Birdwell, Deuell, Nichols, Patrick.

**COMMITTEE SUBSTITUTE
SENATE BILL 346 ON THIRD READING**

Senator Gallegos moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 346** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 5.

Yeas: Carona, Davis, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Ogden, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Deuell, Nichols, Patrick, Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 346**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 346** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 27, Nays 4.

Yeas: Carona, Davis, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Ogden, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Deuell, Nichols, Patrick.

SENATE BILL 1208 ON SECOND READING

On motion of Senator Whitmire and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1208** at this time on its second reading:

SB 1208, Relating to the age until which juveniles placed on determinate sentence probation may be on probation.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 1208 ON THIRD READING

Senator Whitmire moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1208** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 1208**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 1208** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE SENATE BILL 1184 ON SECOND READING

On motion of Senator Nichols and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1184** at this time on its second reading:

CSSB 1184, Relating to the creation of the Timber Springs Municipal Management District; providing authority to impose a tax, levy an assessment, and issue bonds.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1184 ON THIRD READING**

Senator Nichols moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1184** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1184**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1184** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1404 ON SECOND READING

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1404** at this time on its second reading:

SB 1404, Relating to the deadline for filing a suit to compel an appraisal review board to change an appraisal roll.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 1404 ON THIRD READING

Senator Hinojosa moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1404** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 1404**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 1404** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1036 ON SECOND READING**

On motion of Senator Williams and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1036** at this time on its second reading:

CSSB 1036, Relating to notice required in connection with possessory liens on motor vehicles.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1036 ON THIRD READING**

Senator Williams moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1036** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1036**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1036** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE SENATE BILL 288 ON SECOND READING

On motion of Senator Lucio and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 288** at this time on its second reading:

CSSB 288, Relating to authorizing the Department of Public Safety of the State of Texas to operate one or more southbound vehicle checkpoints near the international border of this state for the purpose of preventing certain criminal offenses.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 288 ON THIRD READING

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 288** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 288**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The

suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 288** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE SENATE BILL 1649 ON SECOND READING

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1649** at this time on its second reading:

CSSB 1649, Relating to a grant program to support the prosecution of certain crimes.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 1649 ON THIRD READING

Senator Watson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1649** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1649**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1649** would have occurred on the next legislative day, allowing for Texans to have learned through

news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1546 ON SECOND READING**

On motion of Senator Patrick and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1546** at this time on its second reading:

CSSB 1546, Relating to the right to a new hearing before an appraisal review board following a failure to attend a hearing.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1546 ON THIRD READING**

Senator Patrick moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1546** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1546**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1546** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1664 ON SECOND READING**

Senator Duncan moved to suspend the regular order of business to take up for consideration **CSSB 1664** at this time on its second reading:

CSSB 1664, Relating to the powers and duties of and contributions to and benefits from the systems and programs administered by the Employees Retirement System of Texas.

The motion prevailed.

Senator Jackson asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Watson offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1664** (committee printing) by adding the following appropriately numbered SECTIONs and renumbering subsequent SECTIONs accordingly:

SECTION _____. Section 659.140(c), Government Code, is amended to read as follows:

(c) ~~The [Each member of the]~~ state policy committee must:

(1) be composed of employees and retired state employees receiving benefits under Chapter 814; and

(2) [a state employee. The membership must] represent employees at different levels of employee classification.

SECTION _____. Section 659.143(b), Government Code, is amended to read as follows:

(b) The presiding officer of a local employee committee shall recruit at least five but not more than 10 additional members. The members must represent different levels of employee classification. One or more members may be retired state employees receiving retirement benefits under Chapter 814.

SECTION _____. The heading to Section 814.009, Government Code, is amended to read as follows:

Sec. 814.009. DEDUCTION FROM ANNUITY FOR STATE EMPLOYEE ORGANIZATION.

SECTION _____. Subchapter A, Chapter 814, Government Code, is amended by adding Sections 814.0095 and 814.0096 to read as follows:

Sec. 814.0095. CHARITABLE DEDUCTION FROM ANNUITY. (a) Except as provided by Section 814.0096(c), a person who receives an annuity under this subchapter may, on a printed or electronic form filed with the retirement system, authorize the retirement system to deduct from the person's monthly annuity payment the amount of a contribution to the state employee charitable campaign in the manner and for the same purposes for which a state employee may authorize deductions to that campaign under Subchapter I, Chapter 659.

(b) An authorization under this section must direct the board of trustees to deposit the deducted funds with the comptroller for distribution as required by Section 659.132(g) in the same manner in which a state employee's deduction is distributed.

(c) An authorization under this section remains in effect for the period described by Section 659.137 unless the person revokes the authorization by giving notice to the board of trustees.

(d) The board of trustees may adopt rules to administer this section. Any rules adopted must be consistent with the comptroller's rules related to the state employee charitable campaign.

Sec. 814.0096. COORDINATION WITH STATE EMPLOYEE CHARITABLE CAMPAIGN POLICY COMMITTEE. (a) The board of trustees and the state employee charitable campaign policy committee established under Section 659.140 shall coordinate responsibility for the administration of charitable deductions from annuity payments to the state employee charitable campaign under Section 814.0095.

(b) The state policy committee is authorized to approve a budget that includes funding for as many of the expenses incurred by the retirement system associated with the implementation and administration of annuitants' participation in the state employee charitable campaign as is practicable, including notification of annuitants.

(c) Except as provided by this subsection, the board of trustees shall charge an administrative fee to cover any costs not paid under Subsection (b) in the implementation of Section 814.0095 to the charitable organizations participating in the state employee charitable campaign conducted under that section in the same proportion that the contributions to that charitable organization bear to the total of contributions in that campaign. The board of trustees shall determine the most efficient and effective method of collecting the administrative fee and shall adopt rules for the implementation of this subsection.

(d) If necessary, the board of trustees and the state policy committee may make the annuity deduction authorization under Section 814.0095(a) available in stages to subgroups of the retirement system's annuity recipients as money becomes available to cover the expenses under Subsection (b) of this section.

SECTION ____ . (a) The board of trustees of the Employees Retirement System of Texas, in cooperation with the comptroller and the state employee charitable campaign policy committee established under Section 659.140, Government Code, as amended by this Act, may adopt rules to implement Sections 814.0095 and 814.0096, Government Code, as added by this Act.

(b) The board of trustees of the Employees Retirement System of Texas by rule shall designate the start date on which annuity deductions begin under Sections 814.0095 and 814.0096, Government Code, as added by this Act.

The amendment to **CSSB 1664** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

Senator Jackson offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 1664** (senate committee printing) as follows:

(1) Strike SECTION 15 of the bill, adding Section 1551.3075, Insurance Code (page 5, lines 51-64).

(2) In SECTION 17 of the bill, strike amended Section 1551.314, Insurance Code (page 6, lines 9-18), and substitute:

Sec. 1551.314. CERTAIN STATE CONTRIBUTIONS PROHIBITED. A state contribution may not be made for coverages under this chapter selected by an individual who receives a state contribution~~[, other than as a spouse, dependent, or beneficiary,]~~ for coverages under a group benefits program provided by another state health plan or by an institution of higher education, as defined by Section 61.003, Education Code.

(3) Strike SECTION 20 of the bill (page 6, lines 37-43) and substitute the following appropriately numbered SECTION of the bill:

SECTION _____. The board of trustees of the Employees Retirement System of Texas shall develop and fully implement the plan for providing tobacco cessation coverage as required by Section 1551.226, Insurance Code, as added by this Act, not later than January 1, 2012.

(4) Renumber SECTIONS of the bill appropriately.

The amendment to **CSSB 1664** was read.

Senator Duncan moved to table Floor Amendment No. 2.

Senator Duncan withdrew the motion to table Floor Amendment No. 2.

Senator Duncan again moved to table Floor Amendment No. 2.

The motion to table prevailed by the following vote: Yeas 25, Nays 6.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Hegar, Hinojosa, Huffman, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Fraser, Gallegos, Harris, Jackson, Lucio, Wentworth.

Senator Jackson offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 1664** (senate committee printing) as follows:

(1) In the recital to SECTION 16 of the bill (page 5, line 66), strike "Section 1551.3076" and substitute "Sections 1551.3076 and 1551.3077".

(2) In SECTION 16 of the bill, after added Section 1551.3076, Insurance Code (page 6, between lines 6 and 7), insert:

Sec. 1551.3077. PREMIUM DIFFERENTIAL BASED ON BODY MASS INDEX. (a) The board of trustees shall assess each participant in a health benefit plan provided under the group benefits program who has a body mass index of 30 or greater a premium differential to be paid in monthly installments. Except as provided by Subsection (b), the board of trustees shall determine the amount of the monthly installments of the premium differential.

(b) If the General Appropriations Act for a state fiscal biennium sets the amount of the monthly installments of the premium differential established under Subsection (a) for that biennium, the board of trustees shall assess the premium differential during that biennium in the amount prescribed by the General Appropriations Act.

(3) In SECTION 17 of the bill, strike amended Section 1551.314, Insurance Code (page 6, lines 9-18), and substitute:

Sec. 1551.314. CERTAIN STATE CONTRIBUTIONS PROHIBITED. A state contribution may not be:

(1) made for coverages under this chapter selected by an individual who receives a state contribution[~~, other than as a spouse, dependent, or beneficiary,~~] for coverages under a group benefits program provided by another state health plan or by an institution of higher education, as defined by Section 61.003, Education Code; or

(2) made for or used to pay:

(A) a tobacco user premium differential assessed under Section 1551.3075; or

(B) a premium differential based on body mass index assessed under Section 1551.3077.

(4) In SECTION 20 of the bill, in the transition provision (page 6, line 42), between "Section 1551.3075, Insurance Code, as added by this Act," and "not", insert "and the premium differential based on body mass index required under Section 1551.3077, Insurance Code, as added by this Act,".

The amendment to **CSSB 1664** was read.

On motion of Senator Duncan, Floor Amendment No. 3 was tabled by the following vote: Yeas 28, Nays 3.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Hegar, Hinojosa, Huffman, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Gallegos, Harris, Jackson.

Senator Jackson offered the following amendment to the bill:

Floor Amendment No. 4

Amend **CSSB 1664** (senate committee printing) as follows:

(1) In the recital to SECTION 16 of the bill (page 5, line 66), strike "Section 1551.3076" and substitute "Sections 1551.3076 and 1551.3077".

(2) In SECTION 16 of the bill, after added Section 1551.3076, Insurance Code (page 6, between lines 6 and 7), insert:

Sec. 1551.3077. NICOTINE CHEWING GUM USER PREMIUM DIFFERENTIAL. (a) The board of trustees shall assess each participant in a health benefit plan provided under the group benefits program who uses nicotine chewing gum a nicotine chewing gum user premium differential to be paid in monthly installments. Except as provided by Subsection (b), the board of trustees shall determine the amount of the monthly installments of the premium differential.

(b) If the General Appropriations Act for a state fiscal biennium sets the amount of the monthly installments of the nicotine chewing gum user premium differential established under Subsection (a) for that biennium, the board of trustees shall assess the premium differential during that biennium in the amount prescribed by the General Appropriations Act.

(3) In SECTION 17 of the bill, strike amended Section 1551.314, Insurance Code (page 6, lines 9-18), and substitute:

Sec. 1551.314. CERTAIN STATE CONTRIBUTIONS PROHIBITED. A state contribution may not be:

(1) made for coverages under this chapter selected by an individual who receives a state contribution [~~other than as a spouse, dependent, or beneficiary,~~] for coverages under a group benefits program provided by another state health plan or by an institution of higher education, as defined by Section 61.003, Education Code; or

(2) made for or used to pay:

(A) a tobacco user premium differential assessed under Section 1551.3075; or

(B) a nicotine chewing gum user premium differential assessed under Section 1551.3077.

(4) In SECTION 20 of the bill, in the transition provision (page 6, line 42), between "Section 1551.3075, Insurance Code, as added by this Act," and "not", insert "and the nicotine chewing gum user premium differential required under Section 1551.3077, Insurance Code, as added by this Act,".

The amendment to **CSSB 1664** was read.

Senator Jackson withdrew Floor Amendment No. 4.

On motion of Senator Duncan and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1664 as amended was passed to engrossment by the following vote: Yeas 29, Nays 2.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Hegar, Hinojosa, Huffman, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Harris, Jackson.

COMMITTEE SUBSTITUTE SENATE BILL 1664 ON THIRD READING

Senator Duncan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1664** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 3.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Hegar, Hinojosa, Huffman, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Harris, Jackson, Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1664**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1664** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Hegar, Hinojosa, Huffman, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Harris, Jackson.

(President in Chair)

GUESTS PRESENTED

Senator Shapiro, joined by Senators Hinojosa, Van de Putte, and Watson, was recognized and introduced to the Senate a Texas Charter Schools Association delegation.

The Senate welcomed its guests.

SENATE RULE 3.05

(Applause, Outbursts, or Demonstrations)

Senator Wentworth was recognized and asked for strict enforcement of Senate Rule 3.05.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Wednesday, May 4, 2011 - 2

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

- HB 114** McClendon
Relating to designating April as Minority Cancer Awareness Month.
- HB 554** Howard, Donna
Relating to the civil service status of emergency medical services personnel in certain municipalities.
- HB 557** Deshotel
Relating to the addition of a county to a freight rail district.
- HB 592** Pitts
Relating to certain counties that are not required to operate a juvenile justice alternative education program.
- HB 633** Chisum
Relating to certain nonrefundable application fees established by the Commission on Law Enforcement Officer Standards and Education.
- HB 1113** Raymond
Relating to the sentencing hearing or deferred adjudication hearing and conditions of community supervision for defendants convicted of certain offenses involving controlled substances.
- HB 1199** Gallego
Relating to the penalty for certain intoxication assaults.
- HB 1224** Reynolds
Relating to expulsion of a public school student who commits certain criminal acts involving a computer, computer network, or computer system owned by or operated on behalf of a school district.
- HB 1253** Smithee
Relating to certain modifications of a health benefit plan.
- HB 1291** Hochberg
Relating to the payment of tolls for highway toll projects.
- HB 1314** Raymond
Relating to the operation and jurisdiction of certain district courts serving Webb County.
- HB 1345** Veasey
Relating to the statute of limitations on prosecution of the offenses of kidnapping and aggravated kidnapping of a minor.
- HB 1401** Laubenberg
Relating to who may participate in certain local option elections to prohibit or authorize the sale of alcoholic beverages.
- HB 1402** Guillen
Relating to the applicability of the law on the consequences of a criminal conviction to law enforcement officer license holders and applicants.

HB 1615

Brown

Relating to the administering of medications to children in certain facilities; providing criminal penalties.

HB 1622

Menendez

Relating to suits to enjoin gang activity that constitutes a public nuisance.

HB 1643

Zerwas

Relating to the duration of a development agreement governing land in the extraterritorial jurisdiction of certain municipalities.

HB 1789

Farias

Relating to the payment of state funds directly to an entity that conducts a primary election under contract in certain counties.

HB 1805

Huberty

Relating to a public school student's eligibility for a public education grant to attend another public school.

HB 1830

Naishtat

Relating to the method of delivery of certain notices sent by statutory probate court associate judges.

HB 1959

Thompson

Relating to appeal of the certification of an area's wet or dry status.

HB 2028

Hartnett

Relating to an additional fee for filing civil cases in certain Rockwall County courts.

HB 2069

Naishtat

Relating to the authority of a pharmacist to dispense up to a 90-day supply of dangerous drugs and accelerate refills.

HB 2189

Elkins

Relating to the regulation of handfishing.

HB 2256

Phillips

Relating to abating or deferring the suspension or revocation of a license issued by the Department of Public Safety for victims of identity theft.

HB 2265

Ritter

Relating to a county audit of a hotel regarding the hotel occupancy tax.

HB 2280

Eiland

Relating to the composition of the permanent advisory committee to advise the Texas Commission on Environmental Quality regarding the implementation of the ad valorem tax exemption for pollution control property.

HB 2310

Miller, Doug

Relating to appointment of bailiffs for the district courts in Comal, Hays, and Caldwell Counties.

HB 2312

Coleman

Relating to the creation of a sickle cell disease program.

HB 2313

Coleman

Relating to certain notice requirements for municipalities and counties under the open meetings law.

HB 2370

Dukes

Relating to certain notice to applicants to provide care under the permanency care assistance program.

HB 2387

Menendez

Relating to the selection, compensation, and duties of the general counsel to an appraisal district.

HB 2393

Davis, Sarah

Relating to a request by the owner of an ownership interest in a domestic entity that the interest be uncertificated.

HB 2422

Thompson

Relating to the procedure for providing a copy of the final decree of dissolution of a marriage to a party who waived service of process.

HB 2471

Phillips

Relating to limiting the civil liability of certain persons who obtain or provide medical care and treatment for certain animals.

HB 2490

Solomons

Relating to the regulation of certain metal dealers; providing criminal penalties.

HB 2516

Alvarado

Relating to the appeal of an indefinite suspension of a municipal firefighter or police officer.

HB 2519

Kuempel

Relating to the regulation of certain motor vehicle auctions.

HB 2628

Branch

Relating to the posting of signs in school crossing zones regarding the prohibited use of a wireless communication device while operating a motor vehicle.

HB 2630

Branch

Relating to the formal recognition and administration of The Texas A&M University System Health Science Center.

HB 2643

Hamilton

Relating to safety standards for elevators, escalators, and related equipment.

HB 2711

Thompson

Relating to the sealing of the records of juveniles who are the victims of human trafficking and have been adjudicated to have engaged in certain delinquent conduct.

HB 2727

Thompson

Relating to the regulation by the Texas Department of Licensing and Regulation of the application of eyelash extensions and private beauty culture schools; providing a criminal penalty.

HB 2758

Pena

Relating to mandatory emergency alert systems at institutions of higher education.

- HB 2770** Smith, Wayne
Relating to the powers and duties of navigation districts, port authorities, and certain municipalities.
- HB 2790** Hunter
Relating to the operation of a golf cart or utility vehicle on a public highway in certain counties.
- HB 2847** Madden
Relating to the use of video teleconferencing systems in certain criminal proceedings.
- HB 2851** Mallory Caraway
Relating to deferral of certain surcharge payments for military personnel deployed outside of the continental United States.
- HB 2853** Davis, John
Relating to tax increment financing.
- HB 2911** Branch
Relating to guaranteed student loans and alternative education loans.
- HB 2978** Hunter
Relating to the applicability of open meetings requirements to certain meetings of the governing board of a county hospital or county hospital authority.
- HB 2981** Hunter
Relating to the operation on a highway or street of a motor vehicle that is drawing a boat or personal watercraft in or on which a person is riding; providing a penalty.
- HB 2999** Lewis
Relating to a fixed tuition rate program for certain students who transfer to a state university after completing an associate degree program.
- HB 3033** Naishtat
Relating to retirement under public retirement systems for employees of certain municipalities.
- HB 3076** Gallego
Relating to the rate of the hotel occupancy tax in certain counties.
- HB 3093** Lewis
Relating to the amendment of certain reports of political contributions and expenditures.
- HB 3099** Kolkhorst
Relating to the office of inspector general of the Department of Public Safety.
- HB 3146** Naishtat
Relating to consent for treatment for chemical dependency in a treatment facility and required training for the facility's intake personnel.
- HB 3179** Farias
Relating to contributions to the fund for veterans' assistance.
- HB 3207** Davis, Yvonne
Relating to the establishment and operation of perpetual care cemeteries by certain organized religious societies and sects in certain populous municipalities.

- HB 3246** Elkins
Relating to public improvement districts designated by a municipality or county.
- HB 3270** Veasey
Relating to the list of candidates compiled by a state or county party chair for a primary election.
- HB 3307** Munoz, Jr.
Relating to the confidentiality of certain home address information in ad valorem tax appraisal records.
- HB 3309** Rodriguez, Eddie
Relating to the authority to set maximum weights for state highways, roads, and bridges.
- HB 3342** Naishtat
Relating to representation of and by the state and joinder of the state in certain mental health proceedings.
- HB 3384** Madden
Relating to the penalties for repeat and habitual felony offenders.
- HB 3409** Kolkhorst
Relating to reporting of changes in lobbying activities during a legislative session.
- HB 3478** Gallego
Relating to the punishment for criminal mischief involving cattle, horses, and exotic livestock.
- HB 3547** Alvarado
Relating to enforcement by a local government of fire safety standards at certain child-care facilities.
- HB 3570** Smithee
Relating to insurance coverage requirements for certain amusement rides.
- HB 3616** Naishtat
Relating to designating October as Disability History and Awareness Month.
- HB 3674** Eiland
Relating to the use of an unsworn declaration.
- HB 3708** Hochberg
Relating to the Early High School Graduation Scholarship program and to the funding of certain exemptions from tuition and fees at public institutions of higher education from savings attributable to the program.
- HB 3814** Rodriguez, Eddie
Relating to certain financial powers and duties of the Travis-Creedmoor Municipal Utility District.
- HB 3815** Lewis
Relating to the authority of the Ector County Hospital District to employ and commission peace officers.

- HB 3818** Geren
Relating to a limitation on production fees on groundwater withdrawals assessed by the Northern Trinity Groundwater Conservation District.
- HB 3819** Crownover
Relating to the creation of the Valencia Municipal Management District No. 1; providing authority to levy an assessment and issue bonds.
- HB 3821** Eiland
Relating to temporary directors and the continuation in existence of the Bolivar Yacht Basin Water Control and Improvement District No. 1 of Galveston County.
- HB 3827** Zerwas
Relating to the creation of the Fulshear Town Center Management District; providing authority to impose an assessment, impose a tax, and issue bonds.
- HB 3828** Hochberg
Relating to the creation of the Gulfton Area Municipal Management District; providing authority to impose a tax, levy an assessment, and issue bonds.
- HB 3831** Marquez
Relating to the creation of the Montecillo Municipal Management District No. 1; providing authority to levy an assessment, impose a tax, and issue bonds.
- HB 3834** Zerwas
Relating to the creation of North Fort Bend County Improvement District No. 1; providing authority to levy an assessment, impose a tax, and issue bonds.
- HB 3835** Laubenberg
Relating to the Rockwall County Juvenile Board.
- HB 3836** Pitts
Relating to the creation of the Windsor Hills Municipal Management District No. 1; providing authority to levy an assessment and issue bonds.
- HB 3847** Lavender
Relating to the Riverbend Water Resources District.
- HB 3857** Dutton
Relating to the creation of the Near Northside Management District.
- HJR 130** Branch
Meeting requirements of the United States Department of Education concerning federal student aid by naming private institutions of higher education in the State of Texas that are authorized to operate educational programs beyond secondary education, including programs leading to a degree or certificate.
- SB 257** Carona Sponsor: Phillips
Relating to the issuance of "Choose Life" license plates and the creation of the Choose Life account in the general revenue fund.
- SB 321** Hegar Sponsor: Kleinschmidt
Relating to an employee's transportation and storage of certain firearms or ammunition while on certain property owned or controlled by the employee's employer.
(Committee Substitute/Amended)

SB 360 Fraser Sponsor: Creighton
Relating to the composition and use of money in the rural water assistance fund.

SB 396 Deuell Sponsor: Marquez
Relating to the state fire marshal's investigation of the death of a firefighter who dies in the line of duty or in connection with an on-duty incident.

SB 934 Williams Sponsor: Hilderbran
Relating to the enforcement of tax laws; providing a criminal penalty.

SB 1086 Estes Sponsor: Hardcastle
Relating to the operation by the Department of Agriculture of programs for rural economic development and the marketing and promotion of agricultural and other products grown, processed, or produced in this state.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

**PERMISSION TO INTRODUCE BILL AND RESOLUTION
(Motion In Writing)**

On motion of Senator Whitmire and by unanimous consent, Senate Rule 7.07(b) was suspended to permit the introduction of the following bill and resolution: **SB 1928, SCR 51.**

SENATE BILL AND RESOLUTION ON FIRST READING

The following bill and resolution were introduced, read first time, and referred to the committees indicated:

SB 1928 by Ellis, West
Relating to an African American Texans memorial monument on the Capitol grounds.
To Committee on Administration.

SCR 51 by Ellis, West
Expressing the legislature's support for the construction of a monument to African American Texans on the grounds of the State Capitol at the location approved by the State Preservation Board for a Juneteenth monument.
To Committee on Administration.

HOUSE BILLS AND RESOLUTION ON FIRST READING

The following bills and resolution received from the House were read first time and referred to the committees indicated:

- HB 143** to Committee on Transportation and Homeland Security.
- HB 627** to Committee on Jurisprudence.
- HB 790** to Committee on Agriculture and Rural Affairs.
- HB 831** to Committee on Intergovernmental Relations.
- HB 850** to Committee on Intergovernmental Relations.
- HB 1060** to Committee on Natural Resources.
- HB 1209** to Committee on Jurisprudence.
- HB 1343** to Committee on Jurisprudence.
- HB 1390** to Committee on Business and Commerce.

HB 1648 to Committee on Natural Resources.
HB 1812 to Committee on Intergovernmental Relations.
HB 1866 to Committee on Transportation and Homeland Security.
HB 2002 to Committee on International Relations and Trade.
HB 2040 to Committee on Transportation and Homeland Security.
HB 2122 to Committee on Jurisprudence.
HB 2141 to Committee on Transportation and Homeland Security.
HB 2342 to Committee on Business and Commerce.
HB 2488 to Committee on Jurisprudence.
HB 2495 to Committee on Business and Commerce.
HB 2538 to Committee on Open Government.
HB 2771 to Committee on Transportation and Homeland Security.
HB 2870 to Committee on Finance.
HB 2964 to Committee on Intergovernmental Relations.
HB 3004 to Committee on Business and Commerce.
HB 3255 to Committee on State Affairs.
HB 3421 to Committee on Transportation and Homeland Security.
HB 3487 to Committee on Business and Commerce.
HB 3823 to Committee on Transportation and Homeland Security.
HCR 99 to Committee on State Affairs.

CO-AUTHORS OF SENATE BILL 288

On motion of Senator Lucio, Senators Davis, Harris, Hinojosa, and Patrick will be shown as Co-authors of **SB 288**.

CO-SPONSORS OF HOUSE BILL 15

On motion of Senator Patrick, Senators Carona, Deuell, Hegar, Huffman, Nelson, and Shapiro will be shown as Co-sponsors of **HB 15**.

CO-SPONSOR OF HOUSE BILL 716

On motion of Senator Fraser, Senator Birdwell will be shown as Co-sponsor of **HB 716**.

CO-SPONSOR OF HOUSE BILL 1064

On motion of Senator Eltife, Senator Carona will be shown as Co-sponsor of **HB 1064**.

CO-SPONSOR OF HOUSE BILL 2831

On motion of Senator Eltife, Senator Zaffirini will be shown as Co-sponsor of **HB 2831**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 914 by Lucio, In memory of Clara Bow Williams Zepeda of San Benito.

SR 919 by Watson, In memory of Cuth Kenneth Shepherd of Lakeway.

SR 921 by Zaffirini, In memory of Hector H. Garcia Sr. of Laredo.

Welcome and Congratulatory Resolutions

SCR 52 by Watson, Recognizing Donn and Arlene Adelman for their efforts on behalf of Crime Stoppers.

SR 908 by West, Welcoming Debbie Reynolds to our state and recognizing her for her accomplishments.

SR 910 by Lucio, Recognizing Pharr-San Juan-Alamo North High School for receiving a College Board Inspiration Award.

SR 911 by Lucio, Recognizing the Port of Brownsville on the occasion of its 75th anniversary.

SR 912 by Lucio, Recognizing Mike and Judy Muzyczyn for being named the 2011 General Aviation Airport Managers of the Year.

SR 913 by Lucio, Recognizing the counseling master's program at The University of Texas at Brownsville for receiving full accreditation from the Council for Accreditation of Counseling and Related Educational Programs.

SR 917 by Watson, Recognizing the Austin Symphony Orchestra on the occasion of its 100th anniversary.

SR 918 by Watson, Recognizing Rosalio "Rabbit" Duran for his contributions to East Austin.

SR 920 by Watson, Recognizing Arlene Lois Youngblood on the occasion of her retirement from the Texas Commission on Environmental Quality.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 2:41 p.m. adjourned until 2:45 p.m. today.

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FIFTY-THIRD DAY

(Wednesday, May 4, 2011)

The Senate met at 2:48 p.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

The President announced that a quorum of the Senate was present.

Senator Craig Estes offered the invocation as follows:

O God of all creation, we live in a very broken and fragile world. On the outside, our world often appears to be so very well organized, so developed, and so modern, however, on the inside, the seeds of despair can be found almost everywhere. If there is one thing our world needs more than anything else, it is hope. If there is one thing we need the most, it is hope. We all desire a world of peace, a world of equality, a world of good health, and a world of life. This is what we pray for; this is what we hope for. This is the real inheritance we would all like to pass on to our children and grandchildren. That is why we turn to You today in prayer, O God of all creation. I pray for a great healing in our world, as well as a healing in our own lives. No one wants to live in a world of despair, a world where the future does not look better than the past. We all desire to live and die in a hope-filled world. Please grant to our world the healing which we can't bring about ourselves. Please grant to us the power to heal the wounds of division and desperation wherever they might present themselves. Bless our world and our world's leaders with great wisdom so that starvation, illness, and inequality can be banished forever from the face of this Earth. And lastly, God of all creation, please heal us in body and soul so that we may again be made whole. Raise us up to new life and give us an abundance of hope. Create in us a new spirit so that we might always look forward to each new day as another opportunity to better share our love with You and with our fellow brothers and sisters. Yes, heal us, O God of all

creation, so that we might be freed to proclaim the beauty of Your creation to all those who journey down the road with us to that kingdom of eternal hope and joy. Amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of the previous day be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

CONCLUSION OF MORNING CALL

The President at 2:51 p.m. announced the conclusion of morning call.

COMMITTEE SUBSTITUTE HOUSE BILL 1 ON THIRD READING

The President laid before the Senate **CSHB 1** sponsored by Senator Ogden at this time on its third reading and final passage:

CSHB 1, General Appropriations Bill.

The bill was read third time and was passed by the following vote: Yeas 19, Nays 12.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Wentworth, Williams.

Nays: Davis, Ellis, Gallegos, Hinojosa, Lucio, Rodriguez, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

REASON FOR VOTE

Senator Zaffirini submitted the following reason for vote on **CSHB 1**:

I cast a "No" vote on CSHB 1, the General Appropriations Bill, because *a budget is a moral document that should reflect the values and priorities of our state*. This was the profound message of the Texas Catholic bishops when they visited the State Capitol last month. I agree with the bishops and believe this budget does not reflect the values and priorities of Texans, especially with respect to education and health and human services. Some seek to distract attention from the draconian cuts by emphasizing that the budget passed by the House of Representatives is significantly worse. Unfortunately, while the House budget is horrific, the Senate version is simply awful. CSHB 1 slashes public schools drastically and blocks or delays access to critical health services for thousands of older Texans, Texans with disabilities and Texans with chronic diseases. It underfunds public education by \$4.7 billion and eliminates funding for full-day pre-kindergarten. What's more, the bill significantly underfunds our higher education system by \$923 million in state funds and slashes health and human services by \$4.8 billion below minimum core services needs. Also slashed are programs that would save the state money in the long run, including mental health services, family planning, early childhood intervention and disease surveillance and vaccinations. Additionally, the Higher Education Subcommittee's workgroup on Health-Related Institutions, which I chaired, had no additional funding to ameliorate the drastic cuts in the base bill. As a result, the Permanent Health Fund (PHF) for Higher Education was liquidated. It is strange that some who argue against

tapping into the Rainy Day Fund in the name of fiscal prudence are willing to eliminate a fund meant to provide consistent funding for the institutions that train our desperately-needed doctors and health care professionals. This budget is not only morally wrong, but also fiscally shortsighted. The fiscal pressures amplified by Texas' rapidly-growing population are enormous. Sadly, this bill reflects a squandered opportunity to cut responsibly, to solve our ongoing structural deficit and to invest in the future of our state. Texans deserve better. Texas can do better.

ZAFFIRINI

**HOUSE BILL 2717 REREFERRED
(Motion In Writing)**

Senator Carona submitted a Motion In Writing requesting that **HB 2717** be withdrawn from the Committee on Intergovernmental Relations and rereferred to the Committee on Jurisprudence.

The Motion In Writing prevailed without objection.

**SENATE RULE 11.10(a) SUSPENDED
(Public Notice of Committee Meetings)**

On motion of Senator West and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on Intergovernmental Relations might meet today.

**SENATE RULE 11.10(a) SUSPENDED
(Public Notice of Committee Meetings)**

On motion of Senator Harris and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on Jurisprudence might meet today.

**SENATE RULES SUSPENDED
(Posting Rules)**

On motion of Senator Seliger and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Select Committee on Redistricting might meet and consider **SB 196** today.

**NOTICE GIVEN FOR
LOCAL AND UNCONTESTED CALENDAR**

Senator Eltife announced that a Local and Uncontested Calendar had been furnished to each Member of the Senate. He then gave notice that the Local and Uncontested Calendar Session would be held at 8:00 a.m. tomorrow and that all bills and resolutions would be considered on second and third reading in the order in which they were listed.

**SENATE RULE 11.13 SUSPENDED
(Consideration of Bills in Committees)**

On motion of Senator Eltife and by unanimous consent, Senate Rule 11.13 was suspended to grant all committees permission to meet while the Senate is meeting tomorrow.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Lucio and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on International Relations and Trade might meet and consider **SB 1926** today.

CONFERENCE COMMITTEE REPORT ON
SENATE BILL 14

Senator Fraser submitted the following Conference Committee Report:

Austin, Texas
May 4, 2011

Honorable David Dewhurst
President of the Senate

Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **SB 14** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

FRASER
BIRDWELL
HUFFMAN
WILLIAMS
On the part of the Senate

HARLESS
ALISEDA
BONNEN
TRUITT
On the part of the House

A BILL TO BE ENTITLED
AN ACT

relating to requirements to vote, including presenting proof of identification; providing criminal penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 13.002, Election Code, is amended by adding Subsection (i) to read as follows:

(i) An applicant who wishes to receive an exemption from the requirements of Section 63.001(b) on the basis of disability must include with the person's application:

(1) written documentation:

(A) from the United States Social Security Administration evidencing the applicant has been determined to have a disability; or

(B) from the United States Department of Veterans Affairs evidencing the applicant has a disability rating of at least 50 percent; and

(2) a statement in a form prescribed by the secretary of state that the applicant does not have a form of identification acceptable under Section 63.0101.

SECTION 2. Section 15.001, Election Code, is amended by adding Subsection (c) to read as follows:

(c) A certificate issued to a voter who meets the certification requirements of Section 13.002(i) must contain an indication that the voter is exempt from the requirement to present identification other than the registration certificate before being accepted for voting.

SECTION 3. Effective September 1, 2011, Subchapter A, Chapter 15, Election Code, is amended by adding Section 15.005 to read as follows:

Sec. 15.005. NOTICE OF IDENTIFICATION REQUIREMENTS. (a) The voter registrar of each county shall provide notice of the identification requirements for voting prescribed by Chapter 63 and a detailed description of those requirements with each voter registration certificate issued under Section 13.142 or renewal registration certificate issued under Section 14.001.

(b) The secretary of state shall prescribe the wording of the notice to be included on the certificate under this section.

SECTION 4. Section 15.022(a), Election Code, is amended to read as follows:

(a) The registrar shall make the appropriate corrections in the registration records, including, if necessary, deleting a voter's name from the suspense list:

(1) after receipt of a notice of a change in registration information under Section 15.021;

(2) after receipt of a voter's reply to a notice of investigation given under Section 16.033;

(3) after receipt of a registration omissions list and any affidavits executed under Section 63.006 [~~63.007~~], following an election;

(4) after receipt of a voter's statement of residence executed under Section 63.0011;

(5) before the effective date of the abolishment of a county election precinct or a change in its boundary;

(6) after receipt of United States Postal Service information indicating an address reclassification;

(7) after receipt of a voter's response under Section 15.053; or

(8) after receipt of a registration application or change of address under Chapter 20.

SECTION 5. Effective September 1, 2011, Subchapter A, Chapter 31, Election Code, is amended by adding Section 31.012 to read as follows:

Sec. 31.012. VOTER IDENTIFICATION EDUCATION. (a) The secretary of state and the voter registrar of each county that maintains a website shall provide notice of the identification requirements for voting prescribed by Chapter 63 on each entity's respective website in each language in which voter registration materials are available. The secretary of state shall prescribe the wording of the notice to be included on the websites.

(b) The secretary of state shall conduct a statewide effort to educate voters regarding the identification requirements for voting prescribed by Chapter 63.

(c) The county clerk of each county shall post in a prominent location at the clerk's office a physical copy of the notice prescribed under Subsection (a) in each language in which voter registration materials are available.

SECTION 6. Effective September 1, 2011, Section 32.111, Election Code, is amended by adding Subsection (c) to read as follows:

(c) The training standards adopted under Subsection (a) must include provisions on the acceptance and handling of the identification presented by a voter to an election officer under Section 63.001.

SECTION 7. Effective September 1, 2011, Section 32.114(a), Election Code, is amended to read as follows:

(a) The county clerk shall provide one or more sessions of training using the standardized training program and materials developed and provided by the secretary of state under Section 32.111 for the election judges and clerks appointed to serve in elections ordered by the governor or a county authority. Each election judge shall complete the training program. Each election clerk shall complete the part of the training program relating to the acceptance and handling of the identification presented by a voter to an election officer under Section 63.001.

SECTION 8. Chapter 62, Election Code, is amended by adding Section 62.016 to read as follows:

Sec. 62.016. NOTICE OF ACCEPTABLE IDENTIFICATION OUTSIDE POLLING PLACES. The presiding judge shall post in a prominent place on the outside of each polling location a list of the acceptable forms of identification. The list must be printed using a font that is at least 24-point. The notice required under this section must be posted separately from any other notice required by state or federal law.

SECTION 9. Section 63.001, Election Code, is amended by amending Subsections (b), (c), (d), and (f) and adding Subsections (g) and (h) to read as follows:

(b) Except as provided by Subsection (h), on [On] offering to vote, a voter must present to an election officer at the polling place one form of identification described by Section 63.0101 [the voter's voter registration certificate to an election officer at the polling place].

(c) On presentation of the documentation required under Subsection (b) [~~a registration certificate~~], an election officer shall determine whether the voter's name on the documentation [~~registration certificate~~] is on the list of registered voters for the precinct. If in making a determination under this subsection the election officer determines under standards adopted by the secretary of state that the voter's name on the documentation is substantially similar to but does not match exactly with the name on the list, the voter shall be accepted for voting under Subsection (d) if the voter submits an affidavit stating that the voter is the person on the list of registered voters.

(d) If, as determined under Subsection (c), the voter's name is on the precinct list of registered voters and the voter's identity can be verified from the documentation presented under Subsection (b), the voter shall be accepted for voting.

(f) After determining whether to accept a voter, an election officer shall return the voter's documentation [~~registration certificate~~] to the voter.

(g) If the requirements for identification prescribed by Subsection (b) are not met, the voter may be accepted for provisional voting only under Section 63.011. For a voter who is not accepted for voting under this section, an election officer shall:

(1) inform the voter of the voter's right to cast a provisional ballot under Section 63.011; and

(2) provide the voter with written information, in a form prescribed by the secretary of state, that:

(A) lists the requirements for identification;

(B) states the procedure for presenting identification under Section 65.0541;

(C) includes a map showing the location where identification must be presented; and

(D) includes notice that if all procedures are followed and the voter is found to be eligible to vote and is voting in the correct precinct, the voter's provisional ballot will be accepted.

(h) The requirements for identification prescribed by Subsection (b) do not apply to a voter who is disabled and presents the voter's voter registration certificate containing the indication described by Section 15.001(c) on offering to vote.

SECTION 10. Section 63.0011(a), Election Code, is amended to read as follows:

(a) Before a voter may be accepted for voting, an election officer shall ask the voter if the voter's residence address on the precinct list of registered voters is current and whether the voter has changed residence within the county. If the voter's address is omitted from the precinct list under Section 18.005(c), the officer shall ask the voter if the voter's residence, if ~~as~~ listed, on identification presented by the voter under Section 63.001(b) [the voter's voter registration certificate] is current and whether the voter has changed residence within the county.

SECTION 11. Effective September 1, 2011, Chapter 63, Election Code, is amended by adding Section 63.0012 to read as follows:

Sec. 63.0012. NOTICE OF IDENTIFICATION REQUIREMENTS TO CERTAIN VOTERS. (a) An election officer shall distribute written notice of the identification that will be required for voting beginning with elections held after January 1, 2012, and information on obtaining identification without a fee under Chapter 521A, Transportation Code, to each voter who, when offering to vote, presents a form of identification that will not be sufficient for acceptance as a voter under this chapter beginning with those elections.

(b) The secretary of state shall prescribe the wording of the notice and establish guidelines for distributing the notice.

(c) This section expires September 1, 2017.

SECTION 12. Section 63.006, Election Code, is amended to read as follows:

Sec. 63.006. VOTER WITH REQUIRED DOCUMENTATION [CORRECT CERTIFICATE] WHO IS NOT ON LIST. (a) A voter who, when offering to vote, presents the documentation required under Section 63.001(b) [a voter registration certificate indicating that the voter is currently registered in the precinct in which the voter is offering to vote,] but whose name is not on the precinct list of registered voters[;] shall be accepted for voting if the voter also presents a voter registration certificate indicating that the voter is currently registered:

(1) in the precinct in which the voter is offering to vote; or

(2) in a different precinct in the same county as the precinct in which the voter is offering to vote and the voter executes an affidavit stating that the voter:

(A) is a resident of the precinct in which the voter is offering to vote or is otherwise entitled by law to vote in that precinct;

(B) was a resident of the precinct in which the voter is offering to vote at the time the information on the voter's residence address was last provided to the voter registrar;

(C) did not deliberately provide false information to secure registration in a precinct in which the voter does not reside; and

(D) is voting only once in the election.

(b) After the voter is accepted, an election officer shall:

(1) indicate beside the voter's name on the poll list that the voter was accepted under this section; and

(2) enter the voter's name on the registration omissions list.

SECTION 13. Section 63.009, Election Code, is amended to read as follows:

Sec. 63.009. VOTER WITHOUT CERTIFICATE WHO IS NOT ON LIST. A ~~[(a) Except as provided by Subsection (b), a]~~ voter who does not present a voter registration certificate when offering to vote, and whose name is not on the list of registered voters for the precinct in which the voter is offering to vote, shall be accepted for provisional voting if the voter executes an affidavit in accordance with Section 63.011.

~~[(b) If an election officer can determine from the voter registrar that the person is a registered voter of the county and the person presents proof of identification, the affidavits required by Sections 63.007 and 63.008 are substituted for the affidavit required by Section 63.011 in complying with that section. After the voter is accepted under this subsection, an election officer shall also indicate beside the voter's name on the poll list that the voter was accepted under this section.]~~

SECTION 14. Section 63.0101, Election Code, is amended to read as follows:

Sec. 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION. The following documentation is an acceptable form ~~[as proof]~~ of photo identification under this chapter:

(1) a driver's license, election identification certificate, or personal identification card issued to the person by the Department of Public Safety that has not ~~[or a similar document issued to the person by an agency of another state, regardless of whether the license or card has]~~ expired or that expired no earlier than 60 days before the date of presentation;

(2) a United States military identification card that contains the person's photograph that has not expired or that expired no earlier than 60 days before the date of presentation ~~[form of identification containing the person's photograph that establishes the person's identity];~~

(3) a ~~[birth certificate or other document confirming birth that is admissible in a court of law and establishes the person's identity;~~

~~[(4)]~~ United States citizenship certificate ~~[papers]~~ issued to the person that contains the person's photograph;

~~[(5)]~~ a United States passport issued to the person that has not expired or that expired no earlier than 60 days before the date of presentation; or

(5) a license to carry a concealed handgun issued to the person by the Department of Public Safety that has not expired or that expired no earlier than 60 days before the date of presentation

~~[(6) official mail addressed to the person by name from a governmental entity;~~

~~[(7) a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter; or~~

~~[(8) any other form of identification prescribed by the secretary of state].~~

SECTION 15. Section 63.011, Election Code, is amended by amending Subsections (a) and (b) and adding Subsection (b-1) to read as follows:

(a) A person to whom Section 63.001(g) ~~[63.008(b)]~~ or 63.009 ~~[63.009(a)]~~ applies may cast a provisional ballot if the person executes an affidavit stating that the person:

(1) is a registered voter in the precinct in which the person seeks to vote; and

(2) is eligible to vote in the election.

(b) A form for an affidavit required by this section must ~~[shall]~~ be printed on an envelope in which the provisional ballot voted by the person may be placed and must include:

(1) a space for entering the identification number of the provisional ballot voted by the person; and

(2) a space for an election officer to indicate whether the person presented a form of identification described by Section 63.0101.

(b-1) The affidavit form may include space for disclosure of any necessary information to enable the person to register to vote under Chapter 13. The secretary of state shall prescribe the form of the affidavit under this section.

SECTION 16. Section 64.012(b), Election Code, is amended to read as follows:

(b) An offense under this section is a felony of the second ~~[third]~~ degree unless the person is convicted of an attempt. In that case, the offense is a state jail felony ~~[Class A misdemeanor]~~.

SECTION 17. Section 65.054(b), Election Code, is amended to read as follows:

(b) A provisional ballot shall ~~[may]~~ be accepted ~~[only]~~ if the board determines that:

(1) [5] from the information in the affidavit or contained in public records, the person is eligible to vote in the election and has not previously voted in that election;

(2) the person:

(A) meets the identification requirements of Section 63.001(b) at the time the ballot was cast or in the period prescribed under Section 65.0541;

(B) notwithstanding Chapter 110, Civil Practice and Remedies Code, executes an affidavit under penalty of perjury that states the voter has a religious objection to being photographed and the voter has consistently refused to be photographed for any governmental purpose from the time the voter has held this belief; or

(C) executes an affidavit under penalty of perjury that states the voter does not have any identification meeting the requirements of Section 63.001(b) as a result of a natural disaster that was declared by the president of the United States or the governor, occurred not earlier than 45 days before the date the ballot was cast, and caused the destruction of or inability to access the voter's identification; and

(3) the voter has not been challenged and voted a provisional ballot solely because the voter did not meet the requirements for identification prescribed by Section 63.001(b).

SECTION 18. Subchapter B, Chapter 65, Election Code, is amended by adding Section 65.0541 to read as follows:

Sec. 65.0541. PRESENTATION OF IDENTIFICATION FOR CERTAIN PROVISIONAL BALLOTS. (a) A voter who is accepted for provisional voting under Section 63.011 because the voter does not meet the identification requirements of Section 63.001(b) may, not later than the sixth day after the date of the election:

(1) present a form of identification described by Section 63.0101 to the voter registrar for examination; or

(2) execute an affidavit described by Section 65.054(b)(2)(B) or (C) in the presence of the voter registrar.

(b) The secretary of state shall prescribe procedures as necessary to implement this section.

SECTION 19. Section 66.0241, Election Code, is amended to read as follows:

Sec. 66.0241. CONTENTS OF ENVELOPE NO. 4. Envelope no. 4 must contain:

- (1) the precinct list of registered voters;
- (2) the registration correction list;
- (3) the registration omissions list;
- (4) any statements of residence executed under Section 63.0011; and
- (5) any affidavits executed under Section 63.006 [~~63.007~~] or 63.011.

SECTION 20. Subtitle B, Title 7, Transportation Code, is amended by adding Chapter 521A to read as follows:

CHAPTER 521A. ELECTION IDENTIFICATION CERTIFICATE

Sec. 521A.001. ELECTION IDENTIFICATION CERTIFICATE. (a) The department shall issue an election identification certificate to a person who states that the person is obtaining the certificate for the purpose of satisfying Section 63.001(b), Election Code, and does not have another form of identification described by Section 63.0101, Election Code, and:

(1) who is a registered voter in this state and presents a valid voter registration certificate; or

(2) who is eligible for registration under Section 13.001, Election Code, and submits a registration application to the department.

(b) The department may not collect a fee for an election identification certificate or a duplicate election identification certificate issued under this section.

(c) An election identification certificate may not be used or accepted as a personal identification certificate.

(d) An election officer may not deny the holder of an election identification certificate the ability to vote because the holder has an election identification certificate rather than a driver's license or personal identification certificate issued under this subtitle.

(e) An election identification certificate must be similar in form to, but distinguishable in color from, a driver's license and a personal identification certificate. The department may cooperate with the secretary of state in developing the form and appearance of an election identification certificate.

(f) The department may require each applicant for an original or renewal election identification certificate to furnish to the department the information required by Section 521.142.

(g) The department may cancel and require surrender of an election identification certificate after determining that the holder was not entitled to the certificate or gave incorrect or incomplete information in the application for the certificate.

(h) A certificate expires on a date specified by the department, except that a certificate issued to a person 70 years of age or older does not expire.

SECTION 21. Sections 63.007 and 63.008, Election Code, are repealed.

SECTION 22. Effective September 1, 2011:

(1) as soon as practicable, the secretary of state shall adopt the training standards and develop the training materials required to implement the change in law made by this Act to Section 32.111, Election Code; and

(2) as soon as practicable, the county clerk of each county shall provide a session of training under Section 32.114, Election Code, using the standards adopted and materials developed to implement the change in law made by this Act to Section 32.111, Election Code.

SECTION 23. The change in law made by this Act in amending Section 64.012(b), Election Code, applies only to an offense committed on or after January 1, 2012. An offense committed before January 1, 2012, is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense is committed before January 1, 2012, if any element of the offense occurs before that date.

SECTION 24. Effective September 1, 2011, state funds disbursed under Chapter 19, Election Code, for the purpose of defraying expenses of the voter registrar's office in connection with voter registration may also be used for additional expenses related to coordinating voter registration drives or other activities designed to expand voter registration. This section expires January 1, 2013.

SECTION 25. Every provision in this Act and every application of the provisions in this Act are severable from each other. If any application of any provision in this Act to any person or group of persons or circumstances is found by a court to be invalid, the remainder of this Act and the application of the Act's provisions to all other persons and circumstances may not be affected. All constitutionally valid applications of this Act shall be severed from any applications that a court finds to be invalid, leaving the valid applications in force, because it is the legislature's intent and priority that the valid applications be allowed to stand alone.

Even if a reviewing court finds a provision of this Act invalid in a large or substantial fraction of relevant cases, the remaining valid applications shall be severed and allowed to remain in force.

SECTION 26. Except as otherwise provided by this Act, this Act takes effect January 1, 2012.

The Conference Committee Report on **SB 14** was filed with the Secretary of the Senate.

MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 5:24 p.m. agreed to adjourn, upon conclusion of the Local and Uncontested Calendar Session, until 11:00 a.m. tomorrow.

RECESS

On motion of Senator Whitmire, the Senate at 5:24 p.m. recessed until 8:00 a.m. tomorrow for the Local and Uncontested Calendar Session.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Secretary of the Senate in the order listed:

May 4, 2011

STATE AFFAIRS — **CSSB 303, CSSB 1735, CSSB 849**

NATURAL RESOURCES — **SCR 32, SB 1074, SB 1520, SB 1895, HB 444, HB 571, CSHB 716, HB 965, HB 1832, HB 1901, HB 2360**

ADMINISTRATION — **HB 610, HB 726, HB 1174**

STATE AFFAIRS — **CSSB 1213**

BILLS ENGROSSED

May 3, 2011

SB 63, SB 150, SB 687, SB 730, SB 947, SB 1059, SB 1070, SB 1117, SB 1138, SB 1196, SB 1197, SB 1231, SB 1237, SB 1328, SB 1399, SB 1445, SB 1488, SB 1557, SB 1841, SB 1899

RESOLUTIONS ENROLLED

May 3, 2011

SR 330, SR 810, SR 850, SR 885, SR 896, SR 897, SR 898, SR 899, SR 900, SR 903, SR 904, SR 905, SR 906

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FIFTY-THIRD DAY

(Continued)

(Thursday, May 5, 2011)

AFTER RECESS

The Senate met at 8:00 a.m. and was called to order by Senator Eltife.

**SESSION HELD FOR
LOCAL AND UNCONTESTED CALENDAR**

The Presiding Officer announced that the time had arrived to consider bills and resolutions placed on the Local and Uncontested Calendar. Notice of consideration of the local calendar was given by Senator Eltife yesterday.

Pursuant to Senate Rule 9.03(d), the following bills and resolutions were laid before the Senate in the order listed, read second time, amended where applicable, passed to engrossment or third reading, read third time, and passed. The votes on passage to engrossment or third reading, suspension of the Constitutional Three-day Rule, and final passage are indicated after each caption. All Members are deemed to have voted "Yea" on viva voce votes unless otherwise indicated.

HB 558 (Carona)

Relating to payoff statements provided in connection with certain home loans.
(viva voce vote) (31-0) (31-0)

CSHB 699 (Lucio)

Relating to the funding of port security, facility projects, and port studies.
(viva voce vote) (31-0) (31-0)

HB 801 (Birdwell)

Relating to the territory and dissolution requirements of the Southern Trinity Groundwater Conservation District.
(viva voce vote) (31-0) (31-0)

HB 1551 (Fraser)

Relating to the power of the Bell County Water Control and Improvement District No. 1 to issue bonds.
(viva voce vote) (31-0) (31-0)

HB 1944 (Uresti)

Relating to the election of the board of directors of the Crockett County Water Control and Improvement District No. 1.

(viva voce vote) (31-0) (31-0)

HCR 45 (Ogden)

Designating Giddings as the official Depot Capital of Texas.

(viva voce vote)

CSSB 32 (Zaffirini)

Relating to the consolidation of related higher education programs governing tuition, fee exemptions, and waivers respective to specific target populations.

(viva voce vote) (31-0) (31-0)

CSSB 66 (Zaffirini)

Relating to the transfer of a student from the school district of the student's residence to another district.

(viva voce vote) (31-0) (31-0)

SB 682 (Huffman)

Relating to access to criminal history record information that relates to a person who is an applicant for appointment to an appraisal review board.

(viva voce vote) (31-0) (31-0)

CSSB 812 (Zaffirini)

Relating to the service retirement benefits of certain retirees who resume employment within the Texas Municipal Retirement System.

(viva voce vote) (31-0) (31-0)

SB 954 (Gallegos)

Relating to the authority of certain counties to appoint, contract for, or employ physicians, dentists, or other health care providers for county jails.

(viva voce vote) (31-0) (31-0)

SB 955 (Gallegos)

Relating to the authority of counties to appoint, contract for, or employ physicians, dentists, or other health care providers for county jails.

(viva voce vote) (31-0) (31-0)

SB 1057 (Wentworth)

Relating to the transfer of certain vehicle registrations at the time of sale of the vehicle.

(viva voce vote) (31-0) (31-0)

(Senator Rodriguez in Chair)

SB 1209 (Whitmire)

Relating to the detention of certain juvenile offenders.

(viva voce vote) (31-0) (31-0)

SB 1286 (Watson)

Relating to the administration and funding of retirement systems for firefighters in certain municipalities.

(viva voce vote) (31-0) (31-0)

CSSB 1422 (Nelson)

Relating to coordinated county transportation authorities; creating an offense.

(viva voce vote) (31-0) (31-0)

SB 1438 (Van de Putte)

Relating to the program for impaired pharmacists and disciplinary proceedings conducted by the Texas State Board of Pharmacy.

(viva voce vote) (31-0) (31-0)

SB 1471 (Hinojosa)

Relating to land reclamation projects using tires.

(viva voce vote) (31-0) (31-0)

SB 1529 (Hinojosa)

Relating to the date by which law enforcement agencies must report arrests to the Department of Public Safety.

(viva voce vote) (31-0) (31-0)

SB 1533 (Hinojosa)

Relating to restrictions on school districts making available to students food containing industrially produced trans fat.

(viva voce vote) Birdwell "Nay" (30-1) Birdwell "Nay" (30-1) Birdwell "Nay"

CSSB 1727 (Zaffirini)

Relating to a fixed tuition rate program for certain students who transfer to a state university after completing an associate degree program.

(viva voce vote) (31-0) (31-0)

SB 1751 (Uresti)

Relating to calculation of the net resources of a person ordered to pay child support.

(viva voce vote) (31-0) (31-0)

CSSB 1816 (Zaffirini)

Relating to county and municipal land development regulation.

(viva voce vote) (31-0) (31-0)

CSSB 1849 (Hegar)

Relating to furthering stability and affordable service in the communications industry through the universal service fund.

(viva voce vote) (31-0) (31-0)

CSSB 1878 (Deuell)

Relating to the program of all-inclusive care for the elderly.

(viva voce vote) (31-0) (31-0)

(Senator Eltife in Chair)

CSSB 1910 (Rodriguez)

Relating to the delay of the transition to competition for an electric utility located in the Western Electricity Coordinating Council service area and net metering requirements and energy efficiency goals and programs for such utility.

(viva voce vote) (31-0) (31-0)

(Senator Rodriguez in Chair)

SCR 35 (Wentworth)

Designating western swing as the official State Music of Texas.

(viva voce vote)

SCR 39 (Shapiro)

Designating the month of April each year from 2011 through 2020 as Genocide Awareness and Prevention Month.

(viva voce vote)

(Senator Eltife in Chair)

CSSR 506 (Rodriguez)

Expressing support for the conservation of Castner Range.

(viva voce vote)

**BILL AND RESOLUTION REMOVED FROM
LOCAL AND UNCONTESTED CALENDAR**

Senator Watson, author of the bill, requested in writing that **SB 1536** be removed from the Local and Uncontested Calendar.

Senator Hinojosa, author of the resolution, requested in writing that **SCR 41** be removed from the Local and Uncontested Calendar.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 8:15 a.m. adjourned until 11:00 a.m. today.

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FIFTY-FOURTH DAY

(Thursday, May 5, 2011)

The Senate met at 11:07 a.m. pursuant to adjournment and was called to order by President Pro Tempore Ogden.

The roll was called and the following Senators were present: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffinan, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

The President Pro Tempore announced that a quorum of the Senate was present.

Pastor Josh Richards, Cornerstone Community Church, Springtown, was introduced by Senator Estes and offered the invocation as follows:

Dear heavenly Father, today is the national day of prayer, and all over the country today prayer will go up for our country and leaders. This morning I pray for Texas. I pray for the men and women that are in authority over our state. I pray for all of those that work for them, for the military that are stationed here, and for our sons and daughters that are stationed all over the globe. I am proud to be from Texas, and I pray that as we are gathered here, You will help us. We face difficult times. There are decisions that have to be made that are challenging. Those decisions will affect the very lives of those we hold dear. I pray that You continue to give all the men and women here the courage and fortitude to accomplish all they have to do for the heritage of our great state to continue. I thank You, Father, for the opportunity to be here this morning; I am honored to be among these great leaders. Bless them for their willingness to serve our state. May they always remain true to that calling. Father, You know the needs that are here today, in our personal lives as well as our state. I pray that You will meet them all. Give wisdom to those who seek Your guidance and may we always live in a free nation and always be proud of Texas. Thank You for the men and women here and for their service to all that call Texas home. May You make Your face shine upon them and be gracious to them and give them peace. In Your holy name we pray. Amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of the previous day be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Thursday, May 5, 2011 - 1

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

- HB 8** Darby
Relating to prohibiting certain private transfer fees and the preservation of private real property rights; providing penalties.
- HB 257** Hilderbran
Relating to certain unclaimed property that is presumed abandoned.
- HB 300** Kolkhorst
Relating to the privacy of protected health information; providing administrative and civil penalties.
- HB 442** Guillen
Relating to the establishment of an emergency radio infrastructure account.
- HB 528** Solomons
Relating to the provision of pharmaceutical services through informal and voluntary networks in the workers' compensation system; providing an administrative violation.
- HB 742** Hunter
Relating to student information required to be provided at the time of enrollment in public schools.
- HB 961** Turner
Relating to the sealing of and restricting access to juvenile records of adjudications of delinquent conduct or conduct indicating a need for supervision and to the confidentiality of records of certain misdemeanor convictions of a child.
- HB 1009** Callegari
Relating to procedures for obtaining informed consent before certain postmortem examinations or autopsies.
- HB 1389** Hopson
Relating to the criminal penalties for the owner of a dog that attacks another person.
- HB 1395** Parker
Relating to the requirements to operate personal watercraft and certain boats.
- HB 1720** Davis, John
Relating to improving health care provider accountability and efficiency under the child health plan and Medicaid programs.

- HB 1723** Lucio III
Relating to the penalties prescribed for a single violation or repeated violations of certain court orders or conditions of bond in a family violence case.
- HB 1942** Patrick, Diane
Relating to bullying in public schools.
- HB 1992** Hardcastle
Relating to the authority of the Texas Animal Health Commission to set and collect fees.
- HB 2077** Rodriguez, Eddie
Relating to a pilot program under the loanstar revolving loan program to promote the use of energy efficiency measures and renewable energy technology by certain nonprofit organizations.
- HB 2366** Truitt
Relating to the authority of an open-enrollment charter school operated by a municipality to give a preference in admissions to children of employees of the municipality.
- HB 2470** Phillips
Relating to the regulation of sport bikes and certain other motorcycles.
- HB 2599** Ritter
Relating to the definition of chewing tobacco for purposes of the taxes imposed on cigars and other tobacco products and to the rate of the tax imposed on chewing tobacco.
- HB 2663** Chisum
Relating to the effect of rules and standards adopted by the Railroad Commission of Texas relating to the liquefied petroleum gas industry on ordinances, orders, or rules adopted by political subdivisions relating to that industry.
- HB 2671** Miles
Relating to the disclosure of personal information under the Motor Vehicle Records Disclosure Act.
- HB 2735** Madden
Relating to procedures for certain persons charged with an administrative violation of a condition of release from the Texas Department of Criminal Justice on parole or to mandatory supervision.
- HB 2761** Garza
Relating to meetings and records of certain property owners' associations.
- HB 2826** Murphy
Relating to the issuance of a certificate for a municipal setting designation.
- HB 2902** Zerwas
Relating to the extraterritorial jurisdiction of certain municipalities.
- HB 2940** King, Tracy O.
Relating to the form of death certificates and fetal death certificates.

- HB 2949** Cook
Relating to the administration of the collection improvement program.
- HB 2969** Oliveira
Relating to authorizing the sale of certain real property held by certain state agencies.
- HB 2973** Hunter
Relating to encouraging public participation by citizens by protecting a person's right to petition, right of free speech, and right of association from meritless lawsuits arising from actions taken in furtherance of those rights.
- HB 3096** Kolkhorst
Relating to the cancellation of a subdivision by a commissioners court.
- HB 3182** Ritter
Relating to the imposition of state taxes, including the sales and use, motor vehicle sales and use, and hotel occupancy tax, on certain oilfield portable units.
- HB 3311** Carter
Relating to the duty of an attorney ad litem appointed for a child to meet with the child or individual with whom the child resides before each court hearing.
- HB 3346** Burnam
Relating to certain information available to the public on a central database containing information about sex offenders.
- HB 3395** Callegari
Relating to state purchasing preferences for recycled products.
- HB 3468** Patrick, Diane
Relating to the assessment of public school students for college readiness and developmental education courses to prepare students for college-level coursework.
- HB 3506** Villarreal
Relating to the use of transportation allotment funds by school districts to provide bus passes or cards to certain students.
- HB 3573** King, Susan
Relating to limiting the disclosure of certain information regarding certain charitable organizations, trusts, private foundations, and grant-making organizations.
- SB 501** West Sponsor: Dukes
Relating to the disproportionality of certain groups in the juvenile justice, child welfare, health, and mental health systems and the disproportionality of the delivery of certain services in the education system.
(Amended)
- SB 894** Duncan Sponsor: Coleman
Relating to employment of physicians by certain hospitals.
- SB 980** Carona Sponsor: Hancock
Relating to communications services and markets.
(Amended)

SB 1160

Seliger

Sponsor: Jackson, Jim

Relating to the liability of a landowner for harm to a trespasser.
(Amended)

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

(President in Chair)**GUESTS PRESENTED**

Senator Estes was recognized and introduced to the Senate Rylee Barrios and Gabby Aguilar.

The Senate welcomed its guests.

PHYSICIAN OF THE DAY

Senator Jackson was recognized and presented Dr. P. J. Mock of La Porte as the Physician of the Day.

The Senate welcomed Dr. Mock and thanked him for his participation in the Physician of the Day program sponsored by the Texas Academy of Family Physicians.

SENATE RESOLUTION 915

Senator Lucio offered the following resolution:

WHEREAS, The Senate of the State of Texas takes pleasure in recognizing the Texas Alcoholic Beverage Commission on the occasion of its 75th anniversary, which occurred November 18, 2010; and

WHEREAS, The Texas Alcoholic Beverage Commission was first established as the Texas Liquor Control Board in 1935 after voters ratified an amendment repealing state prohibition; on November 18, 1935, the board held its first meeting in the governor's reception room of the State Capitol; and

WHEREAS, On January 1, 1970, the Texas Liquor Control Board was renamed the Texas Alcoholic Beverage Commission; today, it regulates more than 40,000 licensed businesses in Texas; it also encourages partnerships between the community and the alcoholic beverage industry and promotes education and voluntary compliance with the law with the goal of achieving responsible alcohol consumption and a safe Texas; and

WHEREAS, The 75th anniversary of the Texas Alcoholic Beverage Commission is truly an occasion worthy of celebration; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby commend the employees and members of the Texas Alcoholic Beverage Commission for their valuable work on behalf of the citizens of Texas and extend congratulations to all on the commission's 75th anniversary; and, be it further

RESOLVED, That a copy of this Resolution be prepared as an expression of esteem from the Texas Senate.

SR 915 was read and was adopted without objection.

GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate a TABC delegation: Joel Moreno, Chief of Field Operations; Sherry Cook, Assistant Administrator; Earl Pearson, Chief of Staff; Carolyn Beck, Director of Communication and Governmental Relations; and Alan Steen, Administrator.

The Senate welcomed its guests.

SENATE RESOLUTION 831

Senator Van de Putte offered the following resolution:

SR 831, Recognizing May 21 through 27, 2011, as Safe Boating Week in Texas.

The resolution was again read.

The resolution was previously adopted on Friday, April 29, 2011.

GUESTS PRESENTED

Senator Van de Putte was recognized and introduced to the Senate representatives of the U.S. Coast Guard Auxiliary in San Antonio: Lou Manganiello, Commander; Gary Trede, State Officer; Frank Dannenberg, Jr., Staff Officer for Public Affairs; Mike Vandermate, Chief of Staff; and Sharon Vandermate, member, U.S. Coast Guard Auxiliary.

The Senate welcomed its guests.

ACKNOWLEDGMENT

The President recognized Senator Lucio to speak on the celebration of Cinco de Mayo.

Senator Lucio briefly addressed the Senate about the significance of Cinco de Mayo.

SENATE RESOLUTION 890

Senator Harris offered the following resolution:

SR 890, Recognizing Six Flags Over Texas on the occasion of its 50th anniversary.

The resolution was again read.

The resolution was previously adopted on Monday, May 2, 2011.

GUESTS PRESENTED

Senator Harris was recognized and introduced to the Senate a Six Flags Over Texas delegation: Steve Martindale, Park President; Sharon Parker, Communications Manager; Jim Brothers, Marketing Director; and Tyrone Taylor, Administration Director.

The Senate welcomed its guests.

**INTRODUCTION OF
BILLS AND RESOLUTIONS POSTPONED**

The President announced that the introduction of bills and resolutions on first reading would be postponed until the end of today's session.

There was no objection.

SENATE BILL 782 WITH HOUSE AMENDMENT

Senator Carona called **SB 782** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Floor Amendment No. 1 on Third Reading

Amend **SB 782** on third reading in SECTION 9 of the bill, in added Section 9.406(k), Business & Commerce Code (House committee printing, page 9, line 21), between "Government Code" and the underscored period, by inserting "except to the extent that Section 466.410(a), Government Code, prohibits the assignment of installment prize payments due within the final two years of the prize payment schedule, in which case this section shall prevail over Section 466.410 solely to the extent necessary to permit such assignment".

The amendment was read.

Senator Carona moved to concur in the House amendment to **SB 782**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

CONCLUSION OF MORNING CALL

The President at 11:38 a.m. announced the conclusion of morning call.

**COMMITTEE SUBSTITUTE
SENATE BILL 105 ON SECOND READING**

On motion of Senator Davis and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 105** at this time on its second reading:

CSSB 105, Relating to a restriction on the formation into which certain commercial disposal wells permitted by the Railroad Commission of Texas may inject oil and gas waste.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Hegar.

COMMITTEE SUBSTITUTE
SENATE BILL 105 ON THIRD READING

Senator Davis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 105** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 105**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 105** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1.

Nays: Hegar.

(Senator Eltife in Chair)

SENATE BILL 1760 ON SECOND READING

Senator Lucio moved to suspend the regular order of business to take up for consideration **SB 1760** at this time on its second reading:

SB 1760, Relating to notice of water and wastewater requirements before certain sales of certain residential properties.

The motion prevailed.

Senators Birdwell, Harris, Nelson, Patrick, and Wentworth asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Birdwell, Harris, Nelson, Patrick, Wentworth.

SENATE BILL 1760 ON THIRD READING

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1760** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 5.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nichols, Ogden, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Harris, Nelson, Patrick, Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 1760**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 1760** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 26, Nays 5. (Same as previous roll call)

COMMITTEE SUBSTITUTE SENATE BILL 1737 ON SECOND READING

On motion of Senator Van de Putte and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1737** at this time on its second reading:

CSSB 1737, Relating to accrual and use of leave of absence for certain training or duty, including military training or duty, by public employees and officers.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1737 ON THIRD READING**

Senator Van de Putte moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1737** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1737**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1737** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 313 WITH HOUSE AMENDMENTS

Senator Seliger called **SB 313** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

Floor Amendment No. 1

Amend **SB 313** (house committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Section 35.012, Water Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) Except as provided by Section 35.013, within [Within] two years, but no sooner than 120 days, from the date on which the commission issues an order under Section 35.008 designating a priority groundwater management area, for those areas that are not within a district, the commission shall[

[(1)] create one or more new districts under Section 36.0151[;

[(2) recommend that the areas, or a portion of the areas, be added to an existing district under Section 35.013; or

~~[(3) take any combination of the actions under Subdivisions (1) and (2)].~~

(b-1) For purposes of this section, the commission may consider territory in two separately designated priority groundwater management areas to be in the same designated priority groundwater management area if:

(1) the two areas share a common boundary and one or more common aquifers; and

(2) the commission determines that a district composed of territory in the two areas will result in more effective or efficient groundwater management than other options available to the commission.

SECTION 2. Section 35.013, Water Code, is amended by amending Subsections (b), (c), (e), (f), (g), and (h) and adding Subsections (b-1) and (g-1) to read as follows:

(b) The commission shall submit a copy of the order to the board of the district to which it is recommending the priority groundwater management area be added. Not later than the 120th day after the date of receiving the copy, the [The] board shall vote on the addition of the priority groundwater management area to the district and shall advise the commission of the outcome.

(b-1) If the district described by Subsection (b) has not approved an ad valorem tax on the date of the commission's order issued under Section 35.008 and the board of the district votes to accept the addition of the priority groundwater management area to the district, the board shall enter an order adding the territory in the district.

(c) If the district described by Subsection (b) has approved an ad valorem tax on the date of the commission's order issued under Section 35.008 and the board votes to accept the addition of the priority groundwater management area to the district, the board:

(1) shall enter an order adding the territory in the district;

(2) may request the Texas AgriLife [Agricultural] Extension Service, the commission, and the Texas Water Development Board, with the cooperation and assistance of the Department of Agriculture and other state agencies, to administer an educational program to inform the residents of the status of the area's water resources, the addition of territory to the district, and [management] options for financing management of the groundwater resources of the [including possible annexation into a] district;

(3) [(2)] shall call an election to be held not later than the 270th day after the date of the board's vote under Subsection (b) within the priority groundwater management area, or portion of the priority groundwater management area, as delineated by the commission to determine if the added area will assume a proportional share of the debts or taxes of the district [priority groundwater management area will be added to the district]; and

(4) [(3)] shall designate election precincts and polling places for the elections in the order calling an election under this subsection.

(e) The ballots for the election shall be printed to provide for voting for or against the proposition: "The [inclusion of _____ (briefly describe priority groundwater management area) in the _____ District." If the district has outstanding debts or taxes, the proposition shall include the following language: "and] assumption by the _____ (briefly describe the territory added under

Subsection (c)(1)) [~~described area~~] of a proportional share of the debts or taxes of the ~~District~~ instead of the assessment of fees in the described area to fund the groundwater management activities of the district."

(f) Immediately after the election, the presiding judge of each polling place shall deliver the returns of the election to the board, and the board shall canvass the returns for the election within the priority groundwater management area and declare the results. If a majority of the voters in the priority groundwater management area voting on the proposition vote in favor of the proposition, the board shall declare that the priority groundwater management area assumes a proportional share of the debts or taxes of [~~is added to~~] the district. If a majority of the voters in the priority groundwater management area voting on the proposition do not vote in favor of the proposition [~~against adding the priority groundwater management area to the district~~], the board shall adopt rules to implement Subsection (g-1) [~~declare that the priority groundwater management area is not added to the district~~]. The board shall file a copy of the election results with the commission.

(g) The [~~If the voters approve adding the priority groundwater management area to the district, the~~] board of the district to which the priority groundwater management area is added shall provide reasonable representation on that board compatible with the district's existing scheme of representation. Not later than the 30th day after the date on which the board declares that the priority groundwater management area is added to the district, the board of the existing district shall appoint a person or persons to represent the area until the next regularly scheduled election or appointment of directors.

(g-1) If the voters do not approve the assumption of a proportional share of the debts or taxes of a district under Subsection (e), the board shall assess production fees in the added territory based on the amount of water authorized by permit to be withdrawn from a well or the amount actually withdrawn. A district may use revenue generated by the fees for any district purpose. Production fees may not exceed:

- (1) \$2 per acre-foot payable annually for water used for agricultural use; or
- (2) 30 cents per 1,000 gallons payable annually for water used for any other

purpose.

(h) Not later than the first anniversary of the date on which [~~if~~] the proposition is defeated, or [~~if~~] the board of the existing district votes not to accept the addition of the area to the district, [~~then~~] the commission shall, except as provided under Subsection (i):

(1)[;] create under Section 36.0151 one or more districts covering the priority groundwater management area; or

(2) recommend the area be added to another existing district as provided by this section [~~not later than the first anniversary of the date on which the proposition is defeated or the board votes not to accept the area~~].

SECTION 3. Section 36.0151, Water Code, is amended by amending Subsection (a) and adding Subsections (c), (d), (e), and (f) to read as follows:

(a) If the commission is required to create a district under Section 35.012(b), it shall, without an evidentiary hearing, issue an order creating the district and shall provide in its order that temporary directors be appointed under Section ~~36.0161~~ [36.016] and that an election be called by the temporary directors to authorize the district to assess taxes and to elect permanent directors.

(c) The commission may amend the territory in an order issued under Section 35.008 or this section to adjust for areas that, in the time between when the order was issued under Section 35.008 and the order is issued under this section, have:

- (1) been added to an existing district or created as a separate district; or
- (2) not been added to an existing district or created as a separate district.

(d) In making a modification under Subsection (c), the commission may recommend:

- (1) creation of a new district in the area; or
- (2) that the area be added to a different district.

(e) Except as provided by Section 35.013(h), a change in the order under Subsection (c) does not affect a deadline under Section 35.012 or 35.013.

(f) The commission may not create a groundwater conservation district under this section in a county:

- (1) in which total surface water use is more than 50 times the total groundwater production;
- (2) that is located in a priority groundwater management area; and
- (3) that has a population greater than 2.3 million. To the extent of a conflict between this section and Section 35.012, this section controls.

SECTION 4. Section 36.0171(h), Water Code, is amended to read as follows:

(h) If the majority of the votes cast at the election are against the levy of a maintenance tax, the district shall set production [permit] fees in accordance with Section 35.013(g-1) to pay for the district's regulation of groundwater in the district, including fees based on the amount of water to be withdrawn from a well.

SECTION 5. (a) The changes in law made by this Act apply to any territory in a priority groundwater management area that is not included in a groundwater conservation district on the effective date of this Act.

(b) Not later than September 1, 2012, the Texas Commission on Environmental Quality shall create a district or add territory to an existing district for any territory for which the commission has issued an order recommending creation of a district or addition of territory to an existing district under Section 35.008, Water Code, before the effective date of this Act, unless the commission determines that the territory is not suitable under Section 35.013(i), Water Code.

SECTION 6. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2011.

Floor Amendment No. 2

Amend the Doug Miller amendment No. 1 to **SB 313** as follows:

(1) In SECTION 2 of the amendment, in added Section 35.013(g-1), Water Code (page 4), strike lines 16-20 and substitute:

Production fees may not exceed the amounts set under Chapter 8859, Special District Local Laws Code.

(2) In the recital to SECTION 3 of the amendment (page 5, lines 2-3), strike "(e), and (f)" and substitute "and (e)".

(3) In SECTION 3 of the amendment, in amended Section 36.0151, Water Code, strike added Subsection (f) (page 5, line 25, through page 6, line 2).

(4) Add the following appropriately numbered SECTIONS to the amendment and renumber the remaining SECTIONS of the amendment accordingly:

SECTION _____. Section 35.007(a), Water Code, is amended to read as follows:

(a) The executive director and the executive administrator shall meet periodically to identify, based on information gathered by the commission and the Texas Water Development Board, those areas of the state that are experiencing or that are expected to experience, within the immediately following 50-year [~~25-year~~] period, critical groundwater problems, including shortages of surface water or groundwater, land subsidence resulting from groundwater withdrawal, and contamination of groundwater supplies. Not later than September 1, 2005, the commission, with assistance and cooperation from the Texas Water Development Board, shall complete the initial designation of priority groundwater management areas across all major and minor aquifers of the state for all areas that meet the criteria for that designation. The studies may be prioritized considering information from the regional planning process, information from the Texas Water Development Board groundwater management areas and from groundwater conservation districts, and any other information available. After the initial designation of priority groundwater management areas, the commission and the Texas Water Development Board shall annually review the need for additional designations as provided by this subsection.

SECTION _____. Section 35.008, Water Code, is amended by adding Subsection (j) to read as follows:

(j) The commission may adopt rules regarding:

(1) the creation of a district over all or part of a priority groundwater management area that was designated as a critical area under Chapter 35, Water Code, as that chapter existed before September 1, 1997, or under other prior law; and

(2) the addition of all or part of the land in a priority groundwater management area described by Subdivision (1) to an existing district.

SECTION _____. All governmental acts and proceedings, including the adoption of rules, of the Texas Commission on Environmental Quality relating to the creation of a groundwater conservation district over all or part of a priority groundwater management area that was designated as a critical area under Chapter 35, Water Code, as that chapter existed before September 1, 1997, or under other prior law, are validated in all respects as of the dates on which they occurred.

SECTION _____. Section 35.007(a), Water Code, as amended by this Act, applies only to a designation of a priority groundwater management area made by the Texas Commission on Environmental Quality on or after the effective date of this Act. A designation made before the effective date of this Act is governed by the law in effect when the designation was made, and that law is continued in effect for that purpose.

The amendments were read.

Senator Seliger moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 313** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Seliger, Chair; Eltife, Duncan, Watson, and Hinojosa.

SENATE BILL 28 WITH HOUSE AMENDMENTS

Senator Zaffirini called **SB 28** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

Floor Amendment No. 1

Amend **SB 28** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 56.311, Education Code, is amended by adding Subsection (c-1) to read as follows:

(c-1) Not later than September 1 of each year, the coordinating board shall provide a report to the committee regarding the operation of the TEXAS grant program, including information from the three preceding state fiscal years as follows:

(1) allocations of TEXAS grants by eligible institution, disaggregated by initial and subsequent awards;

(2) the number of TEXAS grants awarded to students disaggregated by race, ethnicity, and expected family contribution;

(3) disaggregated as required by Subdivision (2) and reported both on a statewide basis and for each eligible institution, the number of TEXAS grants awarded to students who meet:

(A) only the eligibility criteria described by Section 56.304; or

(B) the eligibility criteria described by Section 56.3041(2)(A); and

(4) the persistence, retention, and graduation rates of students receiving TEXAS grants.

Floor Amendment No. 2

Amend **SB 28** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter M, Chapter 56, Education Code, is amended by adding Section 56.3045 to read as follows:

Sec. 56.3045. TOLLING OF ELIGIBILITY FOR INITIAL AWARD. (a) This section applies only to a person who:

(1) was eligible to receive an initial TEXAS grant in an academic year for which sufficient money was not available through legislative appropriations to allow the coordinating board to award initial TEXAS grants to at least 10 percent of the persons eligible for initial TEXAS grants in that year, as determined by the coordinating board;

(2) has not previously been awarded a TEXAS grant; and

(3) has not received a baccalaureate degree.

(b) Provided that the person meets the requirements described by Section 56.305(a), a person to whom this section applies is eligible to receive an initial TEXAS grant in any academic year in which funding is sufficient to award initial TEXAS grants to eligible applicants for that year. The person's eligibility for an initial TEXAS grant under this section is not affected by:

(1) the period for which the person has been enrolled at an eligible institution; or

(2) any statutory changes to the eligibility requirements for initial TEXAS grants that are enacted after the person first established eligibility for an initial TEXAS grant as described by Subsection (a)(1).

(c) A person who is eligible for an initial TEXAS grant under this section is entitled to the highest priority as described by Section 56.303(f) if the person was entitled to that priority when the person first established eligibility for an initial TEXAS grant as described by Subsection (a)(1).

(d) A person who receives an initial TEXAS grant under this section:

(1) may receive subsequent TEXAS grants as provided by Section 56.305;

and

(2) is not entitled to TEXAS grants for any previously completed academic year.

Floor Amendment No. 5

Amend **SB 28** (house committee printing) in SECTION 2 of the bill, by striking added Section 56.303(d-1), Education Code (page 1, line 15, through page 2, line 1) and substituting the following:

(d-1) The coordinating board shall allocate money available for initial TEXAS grants for an academic year among general academic teaching institutions solely in proportion to the number of first-year students of each institution whose expected family contribution, as determined according to the methodology used for federal student financial aid, is \$4,000 or less, based on information from the most recent academic year for which information is available for the purpose.

The amendments were read.

Senator Zaffirini moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 28** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Zaffirini, Chair; Watson, Duncan, Carona, and Eltife.

**COMMITTEE SUBSTITUTE
SENATE BILL 1234 ON SECOND READING**

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1234** at this time on its second reading:

CSSB 1234, Relating to municipal management districts.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1234 ON THIRD READING**

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1234** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1234**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1234** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1877 ON SECOND READING**

On motion of Senator Hegar and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1877** at this time on its second reading:

CSSB 1877, Relating to the creation of the Oatman Hill Municipal Utility District; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1877 ON THIRD READING**

Senator Hegar moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1877** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1877**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1877** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1809 ON SECOND READING**

Senator Lucio moved to suspend the regular order of business to take up for consideration **CSSB 1809** at this time on its second reading:

CSSB 1809, Relating to a study by the comptroller of public accounts of the economic impact of the Texas-Mexico border wall in the State of Texas.

The motion prevailed by the following vote: Yeas 22, Nays 9.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Gallegos, Hinojosa, Huffman, Jackson, Lucio, Ogden, Rodriguez, Seliger, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Zaffirini.

Nays: Birdwell, Fraser, Harris, Hegar, Nelson, Nichols, Patrick, Shapiro, Williams.

The bill was read second time and was passed to engrossment by the following vote: Yeas 22, Nays 9. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
HOUSE BILL 2271 ON SECOND READING**

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 2271** at this time on its second reading:

CSHB 2271, Relating to the continuation and functions of the Texas Racing Commission, the abolishment of the Equine Research Account Advisory Committee, and the authority of Texas AgriLife Research; providing an administrative penalty.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

**COMMITTEE SUBSTITUTE
HOUSE BILL 2271 ON THIRD READING**

Senator Hinojosa moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 2271** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSHB 2271**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSHB 2271** would have occurred on the next legislative day, allowing for Texans to have learned through

news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 34 ON SECOND READING

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 34** at this time on its second reading:

SB 34, Relating to the establishment and operation of the Texas Women Veterans Program.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 34 ON THIRD READING

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 34** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 34**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 34** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 653 WITH HOUSE AMENDMENTS

Senator Whitmire called **SB 653** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer, Senator Eltife in Chair, laid the bill and the House amendments before the Senate.

Amendment

Amend **SB 653** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to abolishing the Texas Youth Commission and the Texas Juvenile Probation Commission and transferring the powers and duties of those agencies to the newly created Texas Juvenile Justice Department and to the functions of the independent ombudsman that serves the department.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

ARTICLE 1. TEXAS JUVENILE JUSTICE DEPARTMENT; TEXAS YOUTH COMMISSION AND TEXAS JUVENILE PROBATION COMMISSION

SECTION 1.001. The Human Resources Code is amended by adding Title 12, and a heading is added to read as follows:

TITLE 12. JUVENILE JUSTICE SERVICES AND FACILITIES

SECTION 1.002. Title 12, Human Resources Code, as added by this Act, is amended by adding Subtitle A to read as follows:

SUBTITLE A. TEXAS JUVENILE JUSTICE BOARD AND TEXAS JUVENILE JUSTICE DEPARTMENT

CHAPTER 201. GENERAL PROVISIONS

Sec. 201.001. DEFINITIONS. (a) In this title:

(1) "Board" means the Texas Juvenile Justice Board.

(2) "Child" means an individual:

(A) 10 years of age or older and younger than 18 years of age who is under the jurisdiction of a juvenile court; or

(B) 10 years of age or older and younger than 19 years of age who is committed to the department under Title 3, Family Code.

(3) "Court" means a juvenile court.

(4) "Department" means the Texas Juvenile Justice Department.

(5) "Executive director" means the executive director of the department.

(6) "Juvenile board" means a body established by law to provide juvenile probation services to a county.

(7) "State aid" means funds allocated by the department to a juvenile board to financially assist the juvenile board in achieving the purposes of this title and in conforming to the department's standards and policies.

(a-1) A reference to the department:

(1) in Subtitle B means the Texas Juvenile Probation Commission;

(2) in Subtitle C means the Texas Youth Commission; and

(3) in any law other than Subtitle B or C means the Texas Juvenile Probation Commission or the Texas Youth Commission, as applicable in context.

(a-2) This subsection and Subsection (a-1) expire December 1, 2011.

(b) Effective December 1, 2011, a reference in other law to:

(1) the Texas Juvenile Probation Commission means the department; or

(2) the Texas Youth Commission means the department.

Sec. 201.002. PURPOSES AND INTERPRETATION. This title shall be construed to have the following public purposes:

(1) creating a unified state juvenile justice agency that works in partnership with local county governments, the courts, and communities to promote public safety by providing a full continuum of effective supports and services to youth from initial contact through termination of supervision; and

(2) creating a juvenile justice system that produces positive outcomes for youth, families, and communities by:

(A) assuring accountability, quality, consistency, and transparency through effective monitoring and the use of systemwide performance measures;

(B) promoting the use of program and service designs and interventions proven to be most effective in rehabilitating youth;

(C) prioritizing the use of community-based or family-based programs and services for youth over the placement or commitment of youth to a secure facility;

(D) operating the state facilities to effectively house and rehabilitate the youthful offenders that cannot be safely served in another setting; and

(E) protecting and enhancing the cooperative agreements between state and local county governments.

Sec. 201.003. GOALS. The goals of the department and all programs, facilities, and services that are operated, regulated, or funded by the department are to:

(1) support the development of a consistent county-based continuum of effective interventions, supports, and services for youth and families that reduce the need for out-of-home placement;

(2) increase reliance on alternatives to placement and commitment to secure state facilities, consistent with adequately addressing a youthful offender's treatment needs and protection of the public;

(3) locate the facilities as geographically close as possible to necessary workforce and other services while supporting the youths' connection to their families;

(4) encourage regional cooperation that enhances county collaboration;

(5) enhance the continuity of care throughout the juvenile justice system;

and

(6) use secure facilities of a size that supports effective youth rehabilitation and public safety.

Sec. 201.004. INTERAGENCY AND INTERGOVERNMENTAL COOPERATION. (a) To improve services to youth, the department may cooperate and contract with:

(1) the federal government;

(2) governmental agencies in this state and other states;

(3) political subdivisions of the state; and

(4) private agencies and foundations.

(b) The executive director, the commissioner of education, the commissioner of family and protective services, the commissioner of state health services, the executive commissioner of health and human services, and the chairman of the workforce commission, or their designees, shall meet at least annually to:

(1) discuss mutual issues relating to at-risk youth and youthful offenders, and community support systems for families and youth;

(2) resolve conflicts in providing services to youth; and

(3) make recommendations to the governor and legislature.

CHAPTER 201A. TEMPORARY PROVISIONS

SUBCHAPTER A. TRANSITION TEAM

Sec. 201A.001. COMPOSITION OF TRANSITION TEAM; PRESIDING OFFICER. (a) The juvenile justice services and facilities transition team is composed of the following seven members:

(1) a representative of the Texas Juvenile Probation Commission, appointed by the board of the Texas Juvenile Probation Commission;

(2) a representative of the Texas Youth Commission, appointed by the board of the Texas Youth Commission;

(3) a representative of the governor;

(4) a representative of the lieutenant governor, chosen from a list submitted to the governor by the lieutenant governor;

(5) a representative of the speaker of the house of representatives, chosen from a list submitted to the governor by the speaker;

(6) one member who represents the interests of:

(A) youthful offenders or the families of youthful offenders;

(B) an organization that advocates on behalf of youthful offenders or the families of youthful offenders; or

(C) an organization that advocates on behalf of the victims of delinquent or criminal conduct; and

(7) one member with experience in organizational mergers.

(b) The governor shall appoint the members of the transition team listed in Subsections (a)(3)-(7).

(c) The members of the transition team shall be appointed as provided by Subsections (a) and (b) as soon as possible after September 1, 2011, and not later than October 1, 2011.

(d) The transition team member who is appointed under Subsection (a)(3) serves as the presiding officer of the transition team.

(e) The transition team members appointed under Subsections (a)(1) and (2) remain on the transition team after November 30, 2011, regardless of the abolition of the agencies named in those subdivisions.

(f) A member of the transition team is not a state officer for the purposes of Subchapter B, Chapter 572, Government Code, solely because of the member's service on the transition team.

Sec. 201A.002. POWERS AND DUTIES. (a) After September 1, 2011, and before December 1, 2011, the transition team shall coordinate and oversee the transition of services and facilities from the Texas Juvenile Probation Commission and the Texas Youth Commission to the Texas Juvenile Justice Department.

(b) After November 30, 2011, and before March 1, 2012, the transition team shall:

(1) assist the Texas Juvenile Justice Department and advise the Texas Juvenile Justice Board in implementing the transition of services and facilities from the Texas Juvenile Probation Commission and the Texas Youth Commission to the Texas Juvenile Justice Department; and

(2) prepare and submit to the Texas Juvenile Justice Department a transition plan that:

(A) shall include short-term, medium-term, and long-term transition goals for the department; and

(B) may include benchmarks and timelines for completion of certain transition-related tasks, as appropriate.

Sec. 201A.003. ASSISTANCE. The following state agencies shall, on request, assist the transition team with the following matters:

(1) the Legislative Budget Board and the budget, planning, and policy division of the governor's office, with preparation of a suggested budget for the department;

(2) the Department of Information Resources, with the technological needs of the department;

(3) the office of the attorney general, with legal matters concerning the transition of services and facilities from the Texas Juvenile Probation Commission and the Texas Youth Commission to the Texas Juvenile Justice Department;

(4) the comptroller of public accounts, with suggested accounting practices for the department; and

(5) the Texas Facilities Commission, with assistance in efficiently using the office space in which the administrative offices of the Texas Juvenile Probation Commission and the Texas Youth Commission are located and, if necessary, locating additional office space for the administrative offices of the department.

[Sections 201A.004-201A.050 reserved for expansion]

SUBCHAPTER B. EXPIRATION

Sec. 201A.051. EXPIRATION. This chapter expires March 31, 2012.

CHAPTER 202. ADMINISTRATIVE PROVISIONS

Sec. 202.001. COMPOSITION OF BOARD; PRESIDING OFFICER. (a) The board is composed of the following 11 members appointed by the governor with the advice and consent of the senate:

(1) one member who is a district court judge of a court designated as a juvenile court;

(2) two members who are county judges or county commissioners;

(3) one prosecutor in juvenile court;

(4) one chief juvenile probation officer of a juvenile probation department serving a county with a population that includes fewer than 7,500 persons younger than 18 years of age;

(5) one chief juvenile probation officer of a juvenile probation department serving a county with a population that includes at least 7,500 but fewer than 20,000 persons younger than 18 years of age;

(6) one chief juvenile probation officer of a juvenile probation department serving a county with a population that includes 20,000 or more persons younger than 18 years of age;

(7) one adolescent mental health treatment professional licensed under Subtitle B or I, Title 3, Occupations Code;

(8) one educator, as that term is defined by Section 5.001, Education Code;
and

(9) two members of the general public.

(b) Members serve staggered six-year terms, with the terms of three or four members expiring on February 1 of each odd-numbered year.

(c) The governor shall designate a member of the board as the presiding officer of the board to serve in that capacity at the pleasure of the governor.

(d) The governor shall make appointments to the board without regard to the race, color, disability, sex, religion, age, or national origin of the appointees.

Sec. 202.002. RESTRICTIONS ON BOARD MEMBERSHIP AND DEPARTMENT EMPLOYMENT. (a) A person may not be a public member of the board if the person or the person's spouse:

(1) is employed in the field of criminal or juvenile justice;

(2) is employed by or participates in the management of a business entity or other organization regulated by or receiving money from the department;

(3) owns or controls, directly or indirectly, more than a 10 percent interest in a business entity or other organization regulated by or receiving money from the department; or

(4) uses or receives a substantial amount of tangible goods, services, or money from the department, other than compensation or reimbursement authorized by law for board membership, attendance, or expenses.

(b) A person may not be a board member and may not be a department employee employed in a "bona fide executive, administrative, or professional capacity," as that phrase is used for purposes of establishing an exemption to the overtime provisions of the federal Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.), if:

(1) the person is an officer, employee, or paid consultant of a Texas trade association in the field of criminal or juvenile justice; or

(2) the person's spouse is an officer, manager, or paid consultant of a Texas trade association in the field of criminal or juvenile justice.

(c) A person may not be a board member or act as the general counsel to the board or the department if the person is required to register as a lobbyist under Chapter 305, Government Code, because of the person's activities for compensation on behalf of a profession related to the operation of the department.

(d) In this section, "Texas trade association" means a cooperative and voluntarily joined statewide association of business or professional competitors in this state designed to assist its members and its industry or profession in dealing with mutual business or professional problems and in promoting their common interest.

Sec. 202.003. PROVISIONS APPLICABLE TO JUDICIAL MEMBERS. (a) A judge's place on the board becomes vacant when the judge ceases to hold a judicial office.

(b) A judge's service on the board is an additional duty of office.

(c) At the time of appointment to the board, a judge must be a judge of:

(1) a court designated as a juvenile court; or

(2) a court that is one of several courts that rotate being the juvenile court.

Sec. 202.004. REMOVAL OF BOARD MEMBERS. (a) It is a ground for removal from the board if a member:

(1) does not have at the time of taking office the qualifications required by Sections 202.001 and 202.003;

(2) does not maintain during service on the board the qualifications required by Sections 202.001 and 202.003;

(3) is ineligible for membership under Section 202.002;

(4) cannot, because of illness or disability, discharge the member's duties for a substantial part of the term; or

(5) is absent from more than half of the regularly scheduled board meetings that the member is eligible to attend during a calendar year unless the absence is excused by majority vote of the board.

(b) The validity of an action of the board is not affected by the fact that the action is taken when a ground for removal of a board member exists.

(c) If the executive director has knowledge that a potential ground for removal exists, the executive director shall notify the presiding officer of the board of the potential ground. The presiding officer shall then notify the governor and the attorney general that a potential ground for removal exists. If the potential ground for removal involves the presiding officer, the executive director shall notify the next highest ranking officer of the board, who shall then notify the governor and the attorney general that a potential ground for removal exists.

Sec. 202.005. BOARD MEMBER RECUSAL. (a) A chief juvenile probation officer who is a board member shall avoid the appearance of a conflict of interest by not voting or participating in any decision by the board that solely benefits or penalizes or otherwise solely impacts the juvenile probation department over which the chief juvenile probation officer has authority.

(b) The board may adopt recusal requirements in addition to those described by Subsection (a), including requirements that are more restrictive than those described by Subsection (a).

Sec. 202.006. TRAINING FOR BOARD MEMBERS. (a) A person who is appointed to and qualifies for office as a member of the board may not vote, deliberate, or be counted as a member in attendance at a meeting of the board until the person completes a training program that complies with this section.

(b) The training program must provide the person with information regarding:

(1) the legislation that created the department;

(2) the programs, functions, rules, and budget of the department;

(3) the results of the most recent formal audit of the department;

(4) the requirements of laws relating to open meetings, public information, administrative procedure, and conflicts of interest; and

(5) any applicable ethics policies adopted by the department or the Texas Ethics Commission.

(c) A person appointed to the board is entitled to reimbursement, as provided by the General Appropriations Act, for the travel expenses incurred in attending the training program regardless of whether the attendance at the program occurs before or after the person qualifies for office.

Sec. 202.007. REIMBURSEMENT. A board member is not entitled to compensation for service on the board but is entitled to reimbursement for actual and necessary expenses incurred in performing official duties as a board member.

Sec. 202.008. MEETINGS; PUBLIC PARTICIPATION. (a) The board shall hold regular quarterly meetings on dates set by the board and special meetings at the call of the presiding officer.

(b) The board shall adopt rules regulating the board's proceedings.

(c) The board shall keep a public record of the board's decisions at the board's general office.

(d) The board shall develop and implement policies that provide the public with a reasonable opportunity to appear before the board and to speak on any issue under the jurisdiction of the department.

Sec. 202.009. AUDIT; AUTHORITY OF STATE AUDITOR. (a) The department is subject to audit by the state auditor in accordance with Chapter 321, Government Code.

(b) The state auditor, on request of the office of inspector general, may provide information or other assistance to the office of inspector general that the state auditor determines is appropriate. The office of inspector general may coordinate with the state auditor to review or schedule a plan for an investigation under Subchapter C, Chapter 242, or share other information.

(c) The state auditor may access all information maintained by the office of inspector general, such as vouchers, electronic data, and internal records, including information that is otherwise confidential under law. Information obtained by the state auditor under this subsection is confidential and is not subject to disclosure under Chapter 552, Government Code.

(d) Any provision of this title relating to the operations of the office of inspector general does not:

(1) supersede the authority of the state auditor to conduct an audit under Chapter 321, Government Code; or

(2) prohibit the state auditor from:

(A) conducting an audit, investigation, or other review; or

(B) having full and complete access to all records and other information concerning the department, including any witness statement or electronic data, that the state auditor considers necessary for the audit, investigation, or review.

Sec. 202.010. SUNSET PROVISION. The Texas Juvenile Justice Board and the Texas Juvenile Justice Department are subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board and the department are abolished September 1, 2017.

CHAPTER 203. GENERAL POWERS AND DUTIES OF BOARD AND
DEPARTMENT

Sec. 203.001. CONTROL OVER DEPARTMENT; DEPARTMENT MISSION.

(a) The board is the governing body of the department and is responsible for the operations of the department.

(b) The board shall develop and implement policies that clearly separate the policymaking responsibilities of the board and the management responsibilities of the executive director and the staff of the department.

(c) The board shall establish the mission of the department with the goal of establishing a cost-effective continuum of youth services that emphasizes keeping youth in their home communities while balancing the interests of rehabilitative needs with public safety. The board shall establish funding priorities for services that support this mission and that do not provide incentives to incarcerate youth.

Sec. 203.002. EXECUTIVE DIRECTOR. The board shall:

- (1) employ an executive director to administer the department; and
- (2) supervise the director's administration of the department.

Sec. 203.003. ACCESSIBILITY TO PROGRAMS AND FACILITIES. (a) The department shall comply with federal and state laws related to program and facility accessibility.

(b) The board shall prepare and maintain a written plan that describes how a person who does not speak English can be provided reasonable access to the department's programs and services.

Sec. 203.004. NEGOTIATED RULEMAKING; ALTERNATIVE DISPUTE RESOLUTION. (a) The board shall develop and implement a policy to encourage the use of:

(1) negotiated rulemaking procedures under Chapter 2008, Government Code, for the adoption of department rules; and

(2) appropriate alternative dispute resolution procedures under Chapter 2009, Government Code, to assist in the resolution of internal and external disputes under the department's jurisdiction.

(b) The department's procedures relating to alternative dispute resolution must conform, to the extent possible, to any model guidelines issued by the State Office of Administrative Hearings for the use of alternative dispute resolution by state agencies.

(c) The department shall:

(1) coordinate the implementation of the policy adopted under Subsection

(a);

(2) provide training as needed to implement the procedures for negotiated rulemaking or alternative dispute resolution; and

(3) collect data concerning the effectiveness of those procedures.

Sec. 203.005. GIFTS AND GRANTS. (a) The department may apply for and accept gifts and grants from any public or private source.

(b) The department shall deposit money received under this section in the state treasury. The department may use the money for the purpose of funding any activity under this title.

Sec. 203.006. MEDICAID BENEFITS. The department shall:

(1) identify areas in which federal Medicaid program benefits could be used in a manner that is cost-effective for juveniles in the juvenile justice system;

(2) develop a program to encourage application for and receipt of Medicaid benefits;

(3) provide technical assistance to counties relating to eligibility for Medicaid benefits; and

(4) monitor the extent to which counties make use of Medicaid benefits.

Sec. 203.007. STUDIES; STATISTICAL RECORDS. (a) The department may conduct or participate in studies relating to corrections methods and systems and to treatment and therapy programs at the governor's request or on the department's own initiative.

(b) The department shall continuously study the problem of juvenile delinquency in this state and the effectiveness of services provided or regulated by the department under Subtitle B or C and shall report the department's findings to the governor and the legislature before each regular legislative session.

(c) The department shall keep records relating to juveniles within the juvenile justice system that participate in research programs or studies.

(d) The records must show, for each calendar quarter and for each calendar year:

(1) the number of juveniles participating in research programs or studies for the appropriate reporting period;

(2) the type of research program or study in which each juvenile is participating;

(3) the name of the principal investigator conducting the research program or study; and

(4) the entity sponsoring the research program or study.

(e) The department shall submit a report that contains the information in the records kept under Subsection (d) on or before the 15th day after the last day of the appropriate reporting period to the:

(1) governor;

(2) lieutenant governor;

(3) speaker of the house of representatives; and

(4) members of the senate and house of representatives.

(f) A report submitted under this section is public information under Chapter 552, Government Code.

Sec. 203.008. AUTHORITY TO ISSUE SUBPOENA, ADMINISTER OATH, RECEIVE EVIDENCE, AND GATHER INFORMATION. (a) In this section, "evidence" means any record, book, paper, document, data, or other evidence maintained by electronic or other means.

(b) The department may issue a subpoena requiring the attendance of a witness or the production of evidence that the department considers necessary for the investigation of:

(1) abuse, neglect, or exploitation allegations;

(2) complaints;

(3) financial and programmatic audits of juvenile probation programs, services, and facilities, including juvenile justice alternative education programs; or

(4) any other matter under the authority of the department, including a determination of treatment under Section 244.005.

(c) The department may issue a subpoena under Subsection (b) only if the subpoena is signed by:

(1) the presiding officer of the board or, if the presiding officer is unavailable, the presiding officer's designee; and

(2) at least two other members of the board, including a board member who is a judge.

(d) A hearings examiner appointed by the department may issue a subpoena requiring the attendance of a witness or the production of any record, book, paper, or document the hearings examiner considers necessary for a determination of treatment under Section 244.005. The hearings examiner may sign a subpoena.

(e) Any peace officer, department investigator, other department official, or person authorized under Article 24.01, Code of Criminal Procedure, may serve the subpoena in the same manner that similar process in a court of record having original jurisdiction of criminal actions is served.

(f) A subpoena under this section shall be served and witness fees and mileage paid as in civil cases in the district court in the county to which the witness is called, unless the proceeding for which the service or payment is made is under Chapter 2001, Government Code, in which case the service or payment shall be made as provided in that chapter. Witnesses subpoenaed at the instance of the department shall be paid their fees and mileage by the department out of funds appropriated for that purpose.

(g) On application of the department, a court of record having original jurisdiction of criminal actions may compel the attendance of a witness, the production of material, or the giving of testimony before the department, by an attachment for contempt or in the same manner as the court may otherwise compel the production of evidence.

(h) The presiding officer or a member of the board may administer an oath to a witness in attendance before the department or before an authorized representative of the department.

(i) If a witness in attendance before the department or before an authorized representative refuses without reasonable cause to be examined or answer a legal or pertinent question, or to produce evidence when ordered by the department, the department may apply to the district court for a rule or order returnable in not less than two or in more than five days, directing the witness to show cause before the judge why the witness should not be punished for contempt. The department may apply to the district court of any county where the witness is in attendance, on proof by affidavit of the fact, unless the order of contempt is sought under Chapter 2001, Government Code, in which case the department shall apply to a district court of Travis County, as provided by that chapter. On return of the order, the judge hearing the matter shall examine the witness under oath and the witness shall be given an opportunity to be heard. If the judge determines that the witness has refused, without reasonable cause or legal excuse, to be examined or answer a legal or pertinent question, or to produce evidence that the witness was ordered to bring or produce, the judge may immediately find the witness in contempt of court.

(j) The department shall be granted access at any reasonable time to any evidence that is related to any matter the department or executive director considers necessary to administer the department's functions, powers, and duties.

Sec. 203.0081. ADVISORY COUNCIL ON JUVENILE SERVICES. (a) The advisory council on juvenile services consists of:

(1) the executive director of the department or the executive director's designee;

(2) the director of probation services of the department or the director's designee;

(3) the executive commissioner of the Health and Human Services Commission or the commissioner's designee;

(4) one representative of the county commissioners courts appointed by the board;

(5) two juvenile court judges appointed by the board; and

(6) seven chief juvenile probation officers appointed by the board as provided by Subsection (b).

(b) The board shall appoint to the advisory council one chief juvenile probation officer from each regional chiefs association in this state from a list of nominees submitted to the board by each regional chiefs association. To the greatest extent practicable, a regional chiefs association shall include in its list of nominees:

(1) one chief juvenile probation officer of a juvenile probation department serving a county with a population that includes fewer than 7,500 persons younger than 18 years of age;

(2) one chief juvenile probation officer of a juvenile probation department serving a county with a population that includes at least 7,500 but fewer than 20,000 persons younger than 18 years of age; and

(3) one chief juvenile probation officer of a juvenile probation department serving a county with a population that includes 20,000 or more persons younger than 18 years of age.

(c) Advisory council members, other than ex officio members, serve staggered two-year terms, with the terms of one-half of the members, as nearly as practicable, expiring on February 1 of each year.

(d) The advisory council shall report to the board any determinations made under Subsection (e).

(e) The advisory council shall assist the department in:

(1) determining the needs and problems of county juvenile boards and probation departments;

(2) conducting long-range strategic planning;

(3) reviewing and proposing revisions to existing or newly proposed standards affecting juvenile probation programs, services, or facilities;

(4) analyzing the potential cost impact on juvenile probation departments of new standards proposed by the board; and

(5) advising the board on any other matter on the request of the board.

(f) The advisory council is not subject to Chapter 2110, Government Code.

Sec. 203.0082. FEES. If the General Appropriations Act does not specify the amount of the fee, the board by rule may establish fees that:

- (1) are reasonable and necessary;
- (2) produce revenue sufficient for the administration of this chapter; and
- (3) do not produce unnecessary revenue.

Sec. 203.009. PUBLIC INTEREST INFORMATION. The department shall prepare information of public interest describing the functions of the department and describing the procedures by which complaints are filed with and resolved by the department. The department shall make the information available to the public and appropriate state agencies.

Sec. 203.010. COMPLAINTS. (a) The department shall maintain a system to promptly and efficiently act on complaints received by the department by or on behalf of a juvenile relating to the programs, services, or facilities of the department or a local juvenile probation department.

(b) The department shall make information available describing its procedures for complaint investigation and resolution.

(c) Criminal complaints initially referred to the office of the inspector general relating to juvenile probation programs, services, or facilities shall be sent to the appropriate local law enforcement agency. Any other complaint shall be referred to the appropriate division of the department. The board by rule shall establish policies for the referral of noncriminal complaints.

(d) The department shall provide immediate notice to a local juvenile probation department of a complaint received by the department relating to the programs, services, or facilities of the local juvenile probation department.

(e) The department shall periodically notify the complaint parties of the status of the complaint until final disposition, unless the notice would jeopardize an undercover investigation. If the complaint relates to a claim of abuse, neglect, or exploitation involving a local juvenile probation department, the department shall provide monthly updates on the status of the complaint and immediate updates regarding department decisions to the local juvenile probation department.

(f) The department shall keep information about each written complaint filed with the department. The information must include:

- (1) the subject matter of the complaint;
- (2) the parties to the complaint;
- (3) a summary of the results of the review or investigation of the complaint;
- (4) the period of time between the date the complaint is received and the date the complaint is closed; and
- (5) the disposition of the complaint.

Sec. 203.011. APPEALS FROM DECISION OF EXECUTIVE DIRECTOR. A juvenile probation department that is aggrieved by a decision of the executive director, including a decision relating to standards affecting juvenile probation programs, services, or facilities, may appeal the executive director's decision to the board. The decision of the board is final and cannot be appealed.

Sec. 203.012. ANNUAL FINANCIAL REPORT. The department shall prepare annually a complete and detailed written report accounting for all funds received and disbursed by the department during the preceding fiscal year. The annual report must meet the reporting requirements applicable to financial reporting provided in the General Appropriations Act.

Sec. 203.013. INTERNAL AUDIT; REPORT. (a) The department shall regularly conduct internal audits of the department, including audits of:

- (1) facilities operated by and under contract with the department; and
- (2) medical services provided to children in the custody of the department.

(b) The department shall on a quarterly basis report the results of the audits to:

- (1) the committees of the senate and house of representatives with primary jurisdiction over matters concerning correctional facilities; and
- (2) the state auditor.

Sec. 203.014. TOLL-FREE NUMBER. (a) The department shall establish a permanent, toll-free number for the purpose of receiving any information concerning the abuse, neglect, or exploitation of children in the custody of the department or housed in a local probation facility.

(b) The department shall ensure that:

(1) the toll-free number is prominently displayed in each department facility and each local probation facility;

(2) children in the custody of the department or housed in a local probation facility and employees of the department and the facility have confidential access to telephones for the purpose of calling the toll-free number; and

(3) the toll-free number is in operation and answered by staff 24 hours a day, every day of the year.

Sec. 203.015. PROGRAMS AND SERVICES EVALUATION SYSTEM. The department shall establish and implement a system to evaluate the effectiveness of county and state programs and services for youth.

SECTION 1.003. Title 12, Human Resources Code, as added by this Act, is amended by adding Subtitle B, and a heading is added to read as follows:

SUBTITLE B. PROBATION SERVICES; PROBATION FACILITIES

SECTION 1.004. Subchapters C, D, and E, Chapter 141, Human Resources Code, are transferred to Subtitle B, Title 12, Human Resources Code, as added by this Act, redesignated as Chapters 221, 222, and 223, respectively, and amended to read as follows:

CHAPTER 221. ASSISTANCE TO COUNTIES AND REGULATION OF JUVENILE BOARDS AND JUVENILE PROBATION DEPARTMENTS

SUBCHAPTER A. GENERAL PROVISIONS [~~SUBCHAPTER C. POWERS AND DUTIES OF COMMISSION~~]

Sec. 221.001 [~~141.041~~]. PROVISION OF PROBATION AND DETENTION SERVICES. (a) The department [~~commission~~] shall assist counties in providing probation and juvenile detention services by encouraging the continued operation of county and multi-county juvenile boards or probation offices.

(b) If a county discontinues the provision of juvenile probation services, the department [~~commission~~] may directly provide probation or detention services in the county.

Sec. 221.002 [~~141.042~~]. GENERAL RULES GOVERNING JUVENILE BOARDS, PROBATION DEPARTMENTS, PROBATION OFFICERS, PROGRAMS, AND FACILITIES. (a) The board [~~commission~~] shall adopt reasonable rules that provide:

(1) minimum standards for personnel, staffing, case loads, programs, facilities, record keeping, equipment, and other aspects of the operation of a juvenile board that are necessary to provide adequate and effective probation services;

(2) a code of ethics for probation and detention officers and for the enforcement of that code;

(3) appropriate educational, preservice and in-service training, and certification standards for probation and detention officers or court-supervised community-based program personnel;

(4) subject to Subsection (d), minimum standards for public and private juvenile pre-adjudication secure detention facilities, public juvenile post-adjudication secure correctional facilities that are operated under the authority of a juvenile board or governmental unit, private juvenile post-adjudication secure correctional facilities operated under a contract with a governmental unit, except those facilities exempt from certification by Section 42.052(g), and nonsecure correctional facilities operated by or under contract with a governmental unit; and

(5) minimum standards for juvenile justice alternative education programs created under Section 37.011, Education Code, in collaboration and conjunction with the Texas Education Agency, or its designee.

(b) In adopting the rules, the board [~~commission~~] shall consider local information and evidence gathered through public review and comment.

(c) The department [~~commission~~] shall operate a statewide registry for all public and private juvenile pre-adjudication secure detention facilities and all public and private juvenile post-adjudication secure correctional facilities [~~except a facility operated or certified by the Texas Youth Commission~~].

(d) In adopting rules under Subsection (a)(4), the board [~~commission~~] shall ensure that the minimum standards for facilities described by Subsection (a)(4) are designed to ensure that juveniles confined in those facilities are provided the rights, benefits, responsibilities, and privileges to which a juvenile is entitled under the United States Constitution, federal law, and the constitution and laws of this state. The minimum standards must include a humane physical and psychological environment, safe conditions of confinement, protection from harm, adequate rehabilitation and education, adequate medical and mental health treatment, and due process of law.

(e) A juvenile board that does not accept state aid funding from the department under Section 223.001 shall report to the department each month on a form provided by the department the same data as that required of counties accepting state aid funding regarding juvenile justice activities under the jurisdiction of the juvenile board. If the department makes available free software to a juvenile board for the automation and tracking of juveniles under the jurisdiction of the juvenile board, the department may require the monthly report to be provided in an electronic format adopted by rule by the board.

Sec. 221.003. RULES CONCERNING MENTAL HEALTH SCREENING INSTRUMENT AND RISK AND NEEDS ASSESSMENT INSTRUMENT; ADMISSIBILITY OF STATEMENTS. (a) The board by rule shall require juvenile [~~(e) Juvenile~~] probation departments to [~~shall~~] use the mental health screening instrument selected by the department [~~commission~~] for the initial screening of

children under the jurisdiction of probation departments who have been formally referred to a juvenile probation ~~the~~ department. The department ~~commission~~ shall give priority to training in the use of this instrument in any preservice or in-service training that the department ~~commission~~ provides for probation officers. The rules adopted by the board under this section must allow a ~~A~~ clinical assessment by a licensed mental health professional to ~~may~~ be substituted for the mental health screening instrument selected by the department ~~commission~~ if the clinical assessment is performed in the time prescribed by the department ~~commission~~.

(b) ~~(f)~~ A juvenile probation department must, before the disposition of a child's case and using a validated risk and needs assessment instrument or process provided or approved by the department ~~commission~~, complete a risk and needs assessment for each child under the jurisdiction of the juvenile probation department.

(c) ~~(g)~~ Any statement made by a child and any mental health data obtained from the child during the administration of the mental health screening instrument under this section is not admissible against the child at any other hearing. The person administering the mental health screening instrument shall inform the child that any statement made by the child and any mental health data obtained from the child during the administration of the instrument is not admissible against the child at any other hearing.

~~(d) (h) A juvenile board that does not accept state aid funding from the commission under Section 141.081 shall report to the commission each month on a form provided by the commission the same data as that required of counties accepting state aid funding regarding juvenile justice activities under the jurisdiction of the juvenile board. If the commission makes available free software to the juvenile board for the automation and tracking of juveniles under the jurisdiction of the juvenile board, the commission may require the monthly report to be provided in an electronic format adopted by the commission.~~

~~(i)~~ A juvenile probation department shall report data from the use of the screening instrument or clinical assessment under Subsection (a) ~~(e)~~ and the risk and needs assessment under Subsection (b) ~~(f)~~ to the department ~~commission~~ in the format and at the time prescribed by the department ~~commission~~.

(e) ~~(j)~~ The board ~~commission~~ shall adopt rules to ensure that youth in the juvenile justice system are assessed using the screening instrument or clinical assessment under Subsection (a) ~~(e)~~ and the risk and needs assessment under Subsection (b) ~~(f)~~.

Sec. 221.004 ~~[141.042+]~~. STANDARDS RELATING TO LOCAL PROBATION DEPARTMENTS. (a) The board ~~commission~~ shall adopt rules that provide:

(1) standards for the collection and reporting of information about juvenile offenders by local probation departments;

(2) performance measures to determine the effectiveness of probation services provided by local probation departments; and

(3) case management standards for all probation services provided by local probation departments.

(b) The department ~~commission~~ shall monitor local probation departments for compliance with the standards and measures that the board ~~commission~~ adopts.

(c) The department [commission] shall provide technical assistance to local probation departments to aid compliance with the standards and measures that the board [commission] adopts.

Sec. 221.005 [141.043]. TRAINING AND ASSISTANCE TO LOCAL AUTHORITIES. The department [commission] shall provide educational training and technical assistance to counties, juvenile boards, and probation offices to:

- (1) promote compliance with the standards required under this chapter; and
- (2) assist the local authorities in improving the operation of probation, parole, and detention services.

Sec. 221.006 [141.043]. VIOLENCE PREVENTION AND CONFLICT RESOLUTION TRAINING. The department [commission] shall:

- (1) provide training on request to juvenile probation departments and juvenile boards in violence prevention and conflict resolution programs that include discussion of domestic violence and child abuse issues; and
- (2) encourage the inclusion of a violence prevention and conflict resolution program as a condition of probation.

Sec. 221.007 [141.044]. JUVENILE BOARD RECORDS AND REPORTS. Each juvenile board in the state shall:

- (1) keep the financial, programmatic, and statistical records the department [commission] considers necessary; and
- (2) submit periodic financial, programmatic, and statistical reports to the department [commission] as required by the department [commission] and in the format specified by the department [commission], including electronic submission.

Sec. 221.0071. CHARTER SCHOOL. (a) Notwithstanding any other law and in addition to the number of charters allowed under Subchapter D, Chapter 12, Education Code, the State Board of Education may grant a charter on the application of a detention, correctional, or residential facility established only for juvenile offenders under Section 51.12, 51.125, or 51.126, Family Code.

(b) If a local detention, correctional, or residential facility described by Subsection (a) applies for a charter, the facility must provide all educational opportunities and services, including special education instruction and related services, that a school district is required under state or federal law to provide for students residing in the district through a charter school operated in accordance with and subject to Subchapter D, Chapter 12, Education Code.

~~[Sec. 141.045. GIFTS AND GRANTS. (a) The commission may apply for and accept gifts and grants from any public or private source to use in maintaining and improving probation services in the state.~~

~~(b) The commission shall deposit money received under this section in the state treasury. The commission may use the money only to make payments of state aid under this chapter and to administer this chapter.]~~

Sec. 221.008 [141.046]. INSPECTIONS AND AUDITS. (a) The department [commission] may inspect and evaluate a juvenile board and probation department and audit the juvenile board's [its] financial, programmatic, and statistical records at reasonable times to determine compliance with the board's [commission's] rules.

(b) The department [~~commission~~] may inspect any program or facility operated on behalf of and under the authority of the juvenile board by the probation department, a governmental entity, or private vendor.

~~[See 141.0461. AUTHORITY TO ISSUE SUBPOENA, ADMINISTER OATH, RECEIVE EVIDENCE, AND GATHER INFORMATION. (a) In this section, "evidence" means any record, book, paper, document, data, or other evidence maintained by electronic or other means.~~

~~[(b) The commission may issue a subpoena requiring the attendance of a witness or the production of evidence that the commission considers necessary for the investigation of:~~

~~[(1) abuse, neglect, or exploitation allegations;~~

~~[(2) complaints;~~

~~[(3) financial and programmatic audits of juvenile probation programs services and facilities, including juvenile justice alternative education programs; or~~

~~[(4) any matter under the authority of the commission.~~

~~[(c) The commission may issue a subpoena under Subsection (b) only if the subpoena is signed by:~~

~~[(1) the chairman of the commission or, if the chairman is unavailable, the vice chairman of the commission; and~~

~~[(2) at least two other members of the commission, including a member who is a judge.~~

~~[(d) Any peace officer, commission investigator, other commission official, or person authorized under Article 24.01, Code of Criminal Procedure, may serve the subpoena in the same manner that similar process in a court of record having original jurisdiction of criminal actions is served.~~

~~[(e) A subpoena under this section shall be served and witness fees and mileage paid as in civil cases in the district court in the county to which the witness is called, unless the proceeding for which the service or payment is made is under Chapter 2001, Government Code, in which case the service or payment shall be made as provided in that chapter. Witnesses subpoenaed at the instance of the commission shall be paid their fees and mileage by the commission out of funds appropriated for that purpose.~~

~~[(f) On application of the commission, a court of record having original jurisdiction of criminal actions may compel the attendance of a witness, the production of material, or the giving of testimony before the commission, by an attachment for contempt or in the same manner as the court may otherwise compel the production of evidence.~~

~~[(g) The chairman or another member of the commission may administer an oath to a witness in attendance before the commission or before an authorized representative of the commission.~~

~~[(h) If a witness in attendance before the commission or before an authorized representative refuses without reasonable cause to be examined or answer a legal or pertinent question, or to produce evidence when ordered by the commission, the commission may apply to the district court for a rule or order returnable in not less than two or in more than five days, directing the witness to show cause before the judge why the witness should not be punished for contempt. The commission may~~

~~apply to the district court of any county where the witness is in attendance, on proof by affidavit of the fact, unless the order of contempt is sought under Chapter 2001, Government Code, in which case the commission shall apply to a district court of Travis County, as provided by that chapter. On return of the order, the judge hearing the matter shall examine the witness under oath and the witness shall be given an opportunity to be heard. If the judge determines that the witness has refused, without reasonable cause or legal excuse, to be examined or answer a legal or pertinent question, or to produce evidence that the witness was ordered to bring or produce, the judge may immediately find the witness in contempt of court.~~

~~[(i) The commission shall be granted access at any reasonable time to any evidence that is related to any matter the commission or executive director considers necessary to administer the commission's functions, powers, and duties.~~

~~[Sec. 141.047. INTERAGENCY COOPERATION. (a) To improve probation services, the commission may cooperate and contract with:~~

- ~~[(1) the federal government;~~
- ~~[(2) governmental agencies in this state and other states;~~
- ~~[(3) political subdivisions of the state; and~~
- ~~[(4) private agencies.~~

~~[(b) The director, the executive commissioner of the Texas Youth Commission, and the commissioners of education, mental health and mental retardation, and human services shall meet in Austin at least quarterly to:~~

- ~~[(1) discuss mutual problems;~~
- ~~[(2) resolve conflicts in providing services to juveniles; and~~
- ~~[(3) make recommendations to the governor and legislature.~~

~~[Sec. 141.0471. COORDINATED STRATEGIC PLANNING COMMITTEE.~~

~~(a) The director and the executive director of the Texas Youth Commission shall jointly appoint a strategic planning committee to biennially develop a coordinated strategic plan which shall guide, but not substitute for, the strategic plans developed individually by the agencies. The director and the executive director of the Texas Youth Commission are co-presiding officers of the strategic planning committee.~~

~~[(b) The director shall appoint four members to the strategic planning committee. The director shall appoint at least:~~

- ~~[(1) one committee member who represents the interests of families of juvenile offenders;~~
- ~~[(2) one committee member who represents the interests of local juvenile probation departments; and~~
- ~~[(3) one committee member who is a mental health treatment professional licensed under Subtitle B or I, Title 3, Occupations Code.~~

~~[(c) The executive director of the Texas Youth Commission shall appoint four members to the strategic planning committee. The executive director shall appoint at least:~~

- ~~[(1) one committee member who represents the interests of juvenile offenders;~~
- ~~[(2) one committee member who represents the interests of the victims of delinquent or criminal conduct; and~~

~~[(3) one committee member who is an educator as defined by Section 5.001, Education Code.]~~

Sec. 221.009 [141.0472]. [~~COORDINATED~~] STRATEGIC PLAN; ADOPTION OF PLAN. (a) The board shall develop a [coordinated] strategic plan. The plan [developed by the strategic planning committee under Section 141.0471] must:

- (1) identify short-term and long-term policy goals;
 - (2) identify time frames and strategies for meeting the goals identified under Subdivision (1);
 - (3) estimate population projections, including projections of population characteristics;
 - (4) estimate short-term and long-term capacity, programmatic, and funding needs;
 - (5) describe intensive service and surveillance parole pilot programs to be [~~jointly~~] developed;
 - (6) include an evaluation of aftercare services emphasizing concrete outcome measures, including recidivism and educational progress;
 - (7) identify objective criteria for the various decision points throughout the continuum of juvenile justice services and sanctions to guard against disparate treatment of minority youth;
 - (8) identify [~~cross-agency~~] outcome measures by which to evaluate the effectiveness of services provided to youth in the juvenile justice system [~~the system generally~~];
 - (9) include a plan of implementation for the development of common data sources and data sharing among the department [commission], juvenile probation departments, [~~the Texas Youth Commission,~~] the Department of Family and Protective Services, the Department of State Health Services, the Health and Human Services Commission, the Texas Education Agency, and other state agencies that serve youth in the juvenile justice system;
 - (10) include the development of new, or the improvement of existing, validated risk assessment instruments;
 - (11) include strategies to determine which programs are most effective in rehabilitating youth in the juvenile justice system;
 - (12) include planning for effective aftercare programs and services, including ensuring that youth in the juvenile justice system have personal identification and appropriate referrals to service providers; and
 - (13) track performance measures to illustrate the costs of different levels of treatment and to identify the most cost-effective programs in each component of the juvenile justice system in this state.
- (b) [~~In addition to the information described by Subsection (a), the coordinated strategic plan must include specific processes and procedures for routinely communicating juvenile justice system information between the commission and the Texas Youth Commission and determining opportunities to coordinate practices for improving outcomes for youth.~~]

~~[(e)] The board [governing boards of the commission and the Texas Youth Commission] shall review and adopt the [eordinated] strategic plan as provided by Section 2056.002, Government Code [on or before December 1st of each odd-numbered year, or before the adoption of the agency's individual strategic plan, whichever is earlier].~~

~~[Sec. 141.048. STUDIES. (a) The commission may conduct or participate in studies relating to corrections methods and systems and to treatment and therapy programs at the governor's request or on its own motion.~~

~~[(b) The commission shall continuously study the effectiveness of probation services and shall report its findings to the governor and the legislature before each regular legislative session.~~

~~[Sec. 141.0486. REPORTING CONCERNING RESEARCH PROGRAMS OR STUDIES. (a) The commission shall keep records relating to children within the juvenile probation system that participate in research programs or studies.~~

~~[(b) The records must show, for each calendar quarter and for each calendar year:~~

~~[(1) the number of children participating in research programs or studies for the appropriate reporting period;~~

~~[(2) the type of research program or study in which each child is participating;~~

~~[(3) the name of the principal investigator conducting the research program or study; and~~

~~[(4) the entity sponsoring the research program or study.~~

~~[(c) The commission shall submit a report that contains the information in the records kept under Subsection (b) on or before the 15th day after the last day of the appropriate reporting period to the:~~

~~[(1) governor;~~

~~[(2) lieutenant governor;~~

~~[(3) speaker of the house of representatives; and~~

~~[(4) members of the senate and house of representatives.~~

~~[(d) A report submitted under this section is public information under Chapter 552, Government Code.]~~

Sec. 221.010 [141.049]. COMPLAINTS RELATING TO JUVENILE BOARDS. (a) The department [eommission] shall maintain a system to promptly and efficiently act on a complaint filed with the department [eommission] relating to a juvenile board funded by the department [eommission]. The department [eommission] shall maintain information about parties to the complaint, a summary of the results of the review or investigation of the complaint, and the disposition of the complaint.

(b) The department [eommission] shall make information available describing the department's [eommission's] procedures for the investigation and resolution of a complaint filed with the department [eommission] relating to a juvenile board funded by the department [eommission].

(c) The department [eommission] shall investigate the allegations in the complaint and make a determination of whether there has been a violation of the department's [eommission's] rules relating to juvenile probation programs, services, or facilities.

(d) If a written complaint is filed with the department [eommission] relating to a juvenile board funded by the department [eommission], the department [eommission] shall periodically notify the complainant and the juvenile board of the status of the complaint until final disposition, unless notice would jeopardize an undercover investigation.

Sec. 221.011. INVESTIGATORS. (a) The department may employ and commission investigators as peace officers for the purpose of investigating allegations of abuse, neglect, and exploitation in juvenile justice programs and facilities under Section 261.405, Family Code.

(b) Peace officers employed and commissioned under Subsection (a) must be certified by the Commission on Law Enforcement Officer Standards and Education under Chapter 1701, Occupations Code.

Sec. 221.012. ANNUAL REPORTS. (a) The department shall report annually to the governor and the legislature on the department's operations and the condition of probation services in the state during the previous year. The report:

- (1) may include recommendations; and
- (2) must include:

(A) an evaluation of the effectiveness of the community-based programs operated under Section 54.0401, Family Code; and

(B) information comparing the cost of a child participating in a program described by Paragraph (A) with the cost of committing the child to the department.

(b) The department shall file annually with the governor, the Legislative Budget Board, and the presiding officer of each house of the legislature a complete and detailed written report accounting for all funds received and disbursed by the department during the preceding fiscal year. The annual report must be in the form and be submitted by the time provided by the General Appropriations Act.

SUBCHAPTER B. CONTRACT STANDARDS AND MONITORING

Sec. 221.051 [441.050]. CONTRACT STANDARDS. (a) In each contract with counties for local probation services, the department [eommission] shall include:

- (1) clearly defined contract goals, outputs, and measurable outcomes that relate directly to program objectives;
- (2) clearly defined sanctions or penalties for failure to comply with or perform contract terms or conditions; and
- (3) clearly specified accounting, reporting, and auditing requirements applicable to money received under the contract.

(b) The department [eommission] shall require each local juvenile probation department:

- (1) to include the provisions of Subsection (a) in its contracts with private service providers that involve the use of state funds; and
- (2) to use data relating to the performance of private service providers in prior contracts as a factor in selecting providers to receive contracts.

(c) The department [~~commission~~] shall consider the past performance of a juvenile board when contracting with the juvenile board for local probation services other than basic probation services. In addition to the contract standards described by Subsection (a), a contract with a juvenile board for probation services other than basic probation services must:

(1) include specific performance targets for the juvenile board based on the juvenile board's historic performance of the services; and

(2) require a juvenile board to report on the juvenile board's success in meeting the performance targets described by Subdivision (1).

Sec. 221.052 [~~141.051~~]. **CONTRACT MONITORING.** The department [~~commission~~] shall establish a formal program to monitor contracts under Section 221.051 [~~141.050~~] made by the department [~~commission~~]. The department [~~commission~~] must:

(1) monitor compliance with financial and performance requirements using a risk assessment methodology; and

(2) obtain and evaluate program cost information to ensure that each cost, including an administrative cost, is reasonable and necessary to achieve program objectives.

~~[Sec. 141.052. MEDICAID BENEFITS. The commission shall:~~

~~(1) identify areas in which federal Medicaid program benefits could be used in a manner that is cost effective for children in the juvenile justice system;~~

~~(2) develop a program to encourage application for and receipt of Medicaid benefits;~~

~~(3) provide technical assistance to counties relating to eligibility for Medicaid benefits; and~~

~~(4) monitor the extent to which counties make use of Medicaid benefits.~~

~~[Sec. 141.053. ACCESSIBILITY TO PROGRAMS AND FACILITIES. The commission shall comply with federal and state laws relating to program and facility accessibility. The executive director shall also prepare and maintain a written plan that describes how a person who does not speak English can be provided reasonable access to the commission's programs and services.]~~

Sec. 221.053 [~~141.054~~]. **CONTRACTS FOR OUT-OF-STATE JUVENILE INMATES.** (a) The only entities other than the state authorized to operate a correctional facility to house in this state juvenile inmates convicted of offenses committed against the laws of another state of the United States are:

(1) a county or municipality; and

(2) a private vendor operating a correctional facility under a contract with a county or municipality.

(b) The board [~~commission~~] shall develop rules, procedures, and minimum standards applicable to county or private correctional facilities housing out-of-state juvenile inmates. A contract made under Subsection (a) [~~of this section~~] shall require the county, municipality, or private vendor to operate the facility in compliance with minimum standards adopted by the board [~~commission~~].

~~[Sec. 141.055. INVESTIGATORS. (a) The commission may employ and commission investigators as peace officers for the purpose of investigating allegations of abuse, neglect, and exploitation in juvenile justice programs and facilities under Section 261.405, Family Code.~~

~~[(b) Peace officers employed and commissioned under Subsection (a) must be certified by the Commission on Law Enforcement Officer Standards and Education under Chapter 1701, Occupations Code.~~

~~[Sec. 141.056. STUDY OF ALTERNATIVES TO JUVENILE JUSTICE SYSTEM FOR CHILDREN WHO ENGAGE IN ACTS OF PROSTITUTION. (a) The director shall establish a committee to evaluate alternatives to the juvenile justice system, such as government programs, faith-based programs, and programs offered by nonprofit organizations, for children who are accused of engaging in acts of prostitution.~~

~~[(b) The director shall determine the size of the committee. The committee must be composed of:~~

~~[(1) members of the Texas Juvenile Probation Commission, the Texas Youth Commission, and other relevant state agencies as determined by the director;~~

~~[(2) members of the legislature;~~

~~[(3) members of nongovernmental organizations that provide programs and services to combat and prevent trafficking of persons as described by Section 20A.02, Penal Code, in this state, including the following with respect to that trafficking:~~

~~[(A) programs to promote public awareness;~~

~~[(B) programs to identify and provide services to victims;~~

~~[(C) legal services; and~~

~~[(D) community outreach and training programs; and~~

~~[(4) other juvenile justice experts.~~

~~[(c) Not later than January 1, 2011, the committee shall prepare and deliver to each member of the legislature a report that includes the results of the study and recommendations for alternatives to the juvenile justice system for children who are accused of engaging in acts of prostitution.~~

~~[(d) This section expires June 1, 2011.]~~

Sec. 221.054 [441.057]. DATA COLLECTION. (a) The department [commission] shall collect comprehensive data concerning the outcomes of local probation programs throughout the state.

(b) Data collected under Subsection (a) must include:

(1) a description of the types of programs and services offered by a juvenile probation department, including a description of the components of each program or service offered; and

(2) to the extent possible, the rate at which juveniles who enter or complete juvenile probation are later committed to the custody of the state.

Sec. 221.055 [441.058]. QUARTERLY REPORT ON ABUSE, NEGLECT, AND EXPLOITATION. (a) The department [On January 1, 2010, and quarterly after that date, the commission] shall prepare and deliver a quarterly report to the board concerning the final outcome of any complaint received under Section 261.405, Family Code, that concerns the abuse, neglect, or exploitation of a juvenile. The

report must include a summary of the actions performed by the department [~~commission~~] and any applicable juvenile board or juvenile probation department in resolving the complaint.

(b) A report prepared under Subsection (a) is public information under Chapter 552, Government Code, only to the extent authorized by that chapter.

Sec. 221.056 [~~141.059~~]. RESIDENTIAL TREATMENT FACILITY. (a) The department [~~commission~~] may contract with a local mental health and mental retardation authority [~~that, on April 1, 2009, had an unutilized or underutilized residential treatment facility,~~] for the establishment of a residential treatment facility for juveniles with mental illness or emotional injury who, as a condition of juvenile probation, are ordered by a court to reside at the facility and receive education services at the facility. The department [~~commission~~] may work in cooperation with the local mental health and mental retardation authority to provide mental health residential treatment services for juveniles residing at a facility established under this section.

(b) A residential treatment facility established under this section must provide juveniles receiving treatment at the facility:

(1) a short-term program of mental health stabilization that does not exceed 150 days in duration; and

(2) all educational opportunities and services, including special education instruction and related services, that a school district is required under state or federal law to provide for students residing in the district through a charter school operated in accordance with and subject to Subchapter D, Chapter 12, Education Code.

(c) If a residential treatment facility established under this section is unable to provide adequate and sufficient educational opportunities and services to juveniles residing at the facility, the facility may not continue to operate beyond the end of the school year in which the opportunities or services provided by the facility are determined to be inadequate or insufficient.

(d) Notwithstanding any other law and in addition to the number of charters allowed under Subchapter D, Chapter 12, Education Code, the State Board of Education shall grant a charter on the application of a residential treatment facility established under this section for a school chartered for the purposes of this section.

CHAPTER 222. STANDARDS FOR AND REGULATION OF [SUBCHAPTER D. PROVISIONS RELATING TO] CERTAIN OFFICERS AND EMPLOYEES
SUBCHAPTER A. STANDARDS FOR AND GENERAL REGULATION OF OFFICERS

Sec. 222.001 [~~141.061~~]. MINIMUM STANDARDS FOR PROBATION OFFICERS. (a) To be eligible for appointment as a probation officer, a person who was not employed as a probation officer before September 1, 1981, must:

(1) be of good moral character;

(2) have acquired a bachelor's degree conferred by a college or university accredited by an accrediting organization recognized by the Texas Higher Education Coordinating Board;

(3) have either:

(A) one year of graduate study in criminology, corrections, counseling, law, social work, psychology, sociology, or other field of instruction approved by the department [~~commission~~]; or

(B) one year of experience in full-time case work, counseling, or community or group work:

(i) in a social service, community, corrections, or juvenile agency that deals with offenders or disadvantaged persons; and

(ii) that the department [~~commission~~] determines provides the kind of experience necessary to meet this requirement;

(4) have satisfactorily completed the course of preservice training or instruction and any continuing education required by the department [~~commission~~];

(5) have passed the tests or examinations required by the department [~~commission~~]; and

(6) possess the level of certification required by the department [~~commission~~].

(b) The board [~~commission~~] by rule may authorize the waiver of the requirement of a year of graduate study or full-time employment experience if the authority responsible for employing the officer establishes to the satisfaction of the department [~~commission~~] that, after a diligent search, the authority cannot locate a person meeting that requirement to fill a job opening.

(c) The board [~~commission~~] by rule may authorize the temporary employment of a person who has not completed a course of preservice training, passed the examination, or attained the required level of certification, contingent on the person meeting those requirements within the time specified by the board [~~commission~~].

(d) A person must possess the level of training, experience, and certification required by the department [~~commission~~] to be eligible for employment in a probation office in a position supervising other probation officers. The department [~~commission~~] may require several levels of certification to reflect increasing levels of responsibility. A department [~~commission~~] rule relating to levels of certification does not affect the continued employment of a probation officer in a supervisory position if the person holds that position on the date on which the rule takes effect.

(e) The department [~~commission~~] may waive any certification requirement, except a fee requirement, for an applicant who has a valid certification from another state that has certification requirements that are substantially equivalent to the requirements in this state.

(f) The department [~~commission~~] may waive the degree accreditation requirement in Subsection (a)(2) if the applicant possesses a foreign or other degree that the department [~~commission~~] determines is the substantial equivalent of a bachelor's degree. The board [~~commission~~] shall adopt rules defining the procedures to be used to request a waiver of the accreditation requirement in Subsection (a)(2).

Sec. 222.002 [~~141.0611~~]. MINIMUM STANDARDS FOR DETENTION OFFICERS. To be eligible for appointment as a detention officer, a person who was not employed as a detention officer before September 1, 2005, must:

- (1) be of good moral character;
- (2) be at least 21 years of age;
- (3) have acquired a high school diploma or its equivalent;

(4) have satisfactorily completed the course of preservice training or instruction required by the department [~~commission~~];

(5) have passed the tests or examinations required by the department [~~commission~~]; and

(6) possess the level of certification required by the department [~~commission~~].

Sec. 222.003 [~~441.0612~~]. MINIMUM STANDARDS FOR CERTAIN EMPLOYEES OF NONSECURE CORRECTIONAL FACILITIES. (a) The board [~~commission~~] by rule shall adopt certification standards for persons who are employed in nonsecure correctional facilities that accept only juveniles who are on probation and that are operated by or under contract with a governmental unit, as defined by Section 101.001, Civil Practice and Remedies Code.

(b) The certification standards adopted under Subsection (a) must be substantially similar to the certification requirements for detention officers under Section 222.002 [~~441.0611~~].

Sec. 222.004. PERSONS WHO MAY NOT ACT AS CHIEF ADMINISTRATIVE, JUVENILE PROBATION, OR DETENTION OFFICERS. (a) A peace officer, prosecuting attorney, or other person who is employed by or who reports directly to a law enforcement or prosecution official may not act as a chief administrative, juvenile probation, or detention officer or be made responsible for supervising a juvenile on probation.

(b) For purposes of this section, a chief administrative officer, regardless of title, is the person who is:

(1) hired or appointed by or under contract with the juvenile board; and

(2) responsible for the oversight of the operations of the juvenile probation department or any juvenile justice program operated by or under the authority of the juvenile board.

Sec. 222.005. CARRYING OF FIREARM BY CERTAIN OFFICERS PROHIBITED. (a) A juvenile probation, detention, or corrections officer may not carry a firearm in the course of the person's official duties.

(b) This section does not apply to:

(1) an employee of the department; or

(2) a juvenile probation officer authorized to carry a firearm under Section 142.006.

Sec. 222.006. PROBATION OFFICER: COUNTY EMPLOYEE. A juvenile probation officer whose jurisdiction covers only one county is considered to be an employee of that county.

SUBCHAPTER B. CERTIFICATION AND EXAMINATION

Sec. 222.051 [~~441.062~~]. NOTICE OF CERTIFICATION EXAMINATION RESULTS. (a) Except as provided by Subsection (b) [~~of this section~~], the department [~~commission~~] shall notify each person taking a certification examination of the results of the examination not later than the 30th day after the date on which the examination is administered.

(b) The department [commission] shall notify a person taking an examination graded or reviewed by a national testing service of the results not later than the 14th day after the date on which the department [commission] receives the results from the testing service.

(c) If the notice of the examination results graded or reviewed by a national testing service will be delayed for longer than 90 days after the examination date, the department [commission] shall notify the person of the reason for the delay before that 90th day.

Sec. 222.052 [141.063]. ANALYSIS OF EXAMINATION PERFORMANCE. The department [commission] shall furnish a person who fails a certification test administered under this chapter with an analysis of the person's performance on the examination if the person requests the analysis in writing.

Sec. 222.053 [141.064]. REVOCATION OR SUSPENSION OF CERTIFICATION. (a) The department [commission] may revoke or suspend a certification, or reprimand a certified officer:

- (1) for a violation of this chapter or a department [commission] rule; or
- (2) if, under Subsection (c), a panel determines that continued certification of the person threatens juveniles in the juvenile justice system.

(b) The department [commission] may place on probation a person whose certification is suspended. If the suspension is probated, the department [commission] may require the person to:

- (1) report regularly to the department [commission] on matters that are the basis of the probation; and
- (2) continue or review professional education until the person attains a degree of skill satisfactory to the department [commission] in those areas that are the basis of the probation.

(c) The executive director may convene, in person or telephonically, a panel of three board [commission] members to determine if a person's continued certification threatens juveniles in the juvenile justice system. If the panel determines that the person's continued certification threatens juveniles in the juvenile justice system, the person's license is temporarily suspended until an administrative hearing is held as soon as possible under Subsection (d). The executive director may convene a panel under this subsection only if the danger posed by the person's continued certification is imminent. The panel may hold a telephonic meeting only if immediate action is required and convening the panel at one location is inconvenient for any member of the panel.

(d) A person is entitled to a hearing before the State Office of Administrative Hearings if the department [commission] proposes to suspend or revoke the person's certification.

(e) A person may appeal a ruling or order issued under this section to a district court in the county in which the person resides or in Travis County. The standard of review is under the substantial evidence rule.

~~[Sec. 141.065. PERSONS WHO MAY NOT ACT AS CHIEF ADMINISTRATIVE, JUVENILE PROBATION, OR DETENTION OFFICERS. (a) A peace officer, prosecuting attorney, or other person who is employed by or who~~

reports directly to a law enforcement or prosecution official may not act as a chief administrative, juvenile probation, or detention officer or be made responsible for supervising a juvenile on probation.

~~[(b) For purposes of this section, a chief administrative officer, regardless of title, is the person who is:~~

~~[(1) hired or appointed by or under contract with the juvenile board; and~~

~~[(2) responsible for the oversight of the operations of the juvenile probation department or any juvenile justice program operated by or under the authority of the juvenile board.~~

~~[Sec. 141.066. CARRYING OF FIREARM BY CERTAIN OFFICERS PROHIBITED. (a) A juvenile probation, detention, or corrections officer may not carry a firearm in the course of the person's official duties.~~

~~[(b) This section does not apply to:~~

~~[(1) an employee of the Texas Youth Commission; or~~

~~[(2) a juvenile probation officer authorized to carry a firearm under Section~~

~~142.006.~~

~~[Sec. 141.067. PROBATION OFFICER: COUNTY EMPLOYEE. A juvenile probation officer whose jurisdiction covers only one county is considered to be an employee of that county.]~~

CHAPTER 223 [SUBCHAPTER E]. STATE AID

Sec. 223.001 [~~141.081~~]. DETERMINATION OF AMOUNT OF STATE AID.

(a) The department [~~commission~~] shall annually allocate funds for financial assistance to juvenile boards to provide juvenile services according to current estimates of the number of juveniles in each county and other factors the department [~~commission~~] determines are appropriate.

(b) The legislature may appropriate the amount of state aid necessary to supplement local funds to maintain and improve statewide juvenile services that comply with department [~~commission~~] standards.

(c) The department [~~commission~~] may set aside a portion of the funds appropriated to the department [~~commission~~] for state aid to fund programs designed to address special needs or projects of local juvenile boards.

~~[(d) The commission by rule shall, not later than September 1, 2010, establish one or more basic probation services funding formulas and one or more community corrections funding formulas. The funding formulas established under this subsection must include each grant for which the commission, on or before September 1, 2009, established an allocation formula.]~~

Sec. 223.002 [~~141.082~~]. MAINTENANCE OF LOCAL FINANCIAL SUPPORT. (a) To receive the full amount of state aid funds for which a juvenile board may be eligible, a juvenile board must demonstrate to the department's [~~commission's~~] satisfaction that the amount of local or county funds budgeted for juvenile services is at least equal to the amount spent, excluding construction and capital outlay expenses, for those services in the 1994 county fiscal year. The department [~~commission~~] may waive this requirement only if the juvenile board demonstrates to the department [~~commission~~] that unusual, catastrophic, or exceptional circumstances existed during the relevant year to affect adversely the level of county funding. If the required amount of local funding is not budgeted and the

department [~~commission~~] does not grant a waiver, the department [~~commission~~] shall reduce the allocation of state aid funds to the juvenile board by the amount equal to the amount that the county funding is below the required funding.

(b) For purposes of Subsection (a), the [~~The~~] amount spent on juvenile detention and correctional facilities is included in determining the amount of local or county funds. The amount spent for construction or renovation is not included.

(c) The department [~~commission~~] must be satisfied at the end of each county fiscal year that the juvenile board actually spent local or county funds for juvenile services in the amount demonstrated to the department [~~commission~~] at the beginning of the fiscal year.

(d) The department [~~commission~~] may require a rebate of state aid, or [~~may~~] withhold state aid to which the juvenile board would otherwise be entitled, as necessary to satisfy the requirement that a juvenile board spend funds as demonstrated.

Sec. 223.003 [~~141-083~~]. SPECIAL RULES FOR MULTI-COUNTY JURISDICTIONS. If necessary, the board [~~commission~~] by rule may provide for:

(1) the payment of compensation, insurance, retirement, fringe benefits, and related matters to a juvenile probation officer whose jurisdiction covers more than one county;

(2) the centralization of administrative responsibility associated with the state aid program in a county included in a multi-county jurisdiction; and

(3) the application of Section 223.001 [~~141-081 of this code~~] to a multi-county jurisdiction.

Sec. 223.004 [~~141-084~~]. PAYMENT OF STATE AID. (a) When the department [~~commission~~] determines that a juvenile board complies with the department's [~~commission's~~] standards, the department [~~commission~~] shall submit to the comptroller a voucher for payment to a juvenile board of the amount of state aid to which the board is entitled.

(b) The juvenile board's fiscal officer shall deposit all state aid received under this chapter in a special fund. The juvenile board may use the funds solely to provide juvenile probation services.

(c) A juvenile board receiving state aid under this chapter is subject to audit by:

(1) the Legislative Budget Board;

(2) [~~5~~] the governor's budget, policy, and planning office;

(3) [~~5~~] the state auditor; [~~5~~] and

(4) the comptroller.

(d) A juvenile board receiving state aid under this chapter shall submit reports as required by the department [~~commission~~].

Sec. 223.005 [~~141-085~~]. REFUSAL, REDUCTION, OR SUSPENSION OF STATE AID. (a) The department [~~commission~~] may refuse, reduce, or suspend payment of state aid to:

(1) a juvenile board that fails to comply with the department's [~~commission's~~] rules or fails to maintain local financial support; or

(2) a county that fails to comply with the minimum standards provided under Section 221.002(a)(4) [~~141-042(a)(4)~~].

(b) The department [~~commission~~] shall provide for notice and a hearing in a case in which the department [~~it~~] refuses, reduces, or suspends state aid.

Sec. 223.006 [~~141.086~~]. FUNDING AND CONSTRUCTION OF POST-ADJUDICATION FACILITIES. (a) The department [~~commission~~] may provide state aid to a county to acquire, construct, and equip post-adjudication residential or day-treatment centers from money appropriated for those purposes. The facilities may be used for children who are placed on probation by a juvenile court under Section 54.04, Family Code, as an alternative to commitment to the facilities of the department [~~Texas Youth Commission~~].

(b) State funds provided to counties under Subsection (a) must be matched by local funds equal to at least one-fourth of the state funds.

(c) From money appropriated for construction of the facilities described by Subsection (a), the department [~~commission~~] shall contract with the Texas Department of Criminal Justice for construction management services, including:

- (1) evaluation of project plans and specifications; and
- (2) review and comment on the selection of architects and engineers, change orders, and sufficiency of project inspection.

(d) On completion of the review of project plans and specifications under Subsection (c), the Texas Department of Criminal Justice shall issue a comprehensive report that states in detail the proposed cost of the project. The department [~~commission~~] shall use the report in making a comparative evaluation of proposed projects and shall give priority to the projects the department [~~commission~~] finds are the most effective and economical.

(e) The department [~~commission~~] may not award money for a capital construction project for a facility under this section unless the department [~~commission~~] receives from the commissioners court of the county intending to use the facility a written commitment that the commissioners court has reviewed and accepted the conditions of the award. If more than one county intends to use the facility, the department [~~commission~~] must receive from each county a written commitment that the county will agree with the other counties to an interlocal contract to operate the facility in accordance with the conditions of the award.

(f) A county receiving state aid under this section shall adhere to department [~~commission~~] standards for the construction and operation of a post-adjudication secure residential facility.

(g) For a facility constructed under this section, not more than 25 percent of the operating costs of the facility may be reimbursed by the department [~~commission~~].

(h) It is the intent of the legislature to appropriate the full amount of money authorized under Subsection (g).

(i) [~~The commission shall conduct an annual audit of the operating costs for a fiscal year of a facility constructed under this section for each fiscal year through fiscal year 1999. The commission shall submit a report on the results of the audit to the Legislative Budget Board and the governor not later than the 60th day after the last day of the fiscal year covered by the audit.~~]

[~~(j)~~] In this section, "operating costs" means the operating costs of a facility at an 80-percent occupancy rate.

SECTION 1.005. Title 12, Human Resources Code, as added by this Act, is amended by adding Subtitle C, and a heading is added to read as follows:

SUBTITLE C. SECURE FACILITIES

SECTION 1.006. Subchapter G, Chapter 61, Human Resources Code, is transferred to Subtitle C, Title 12, Human Resources Code, as added by this Act, redesignated as Chapter 241, and amended to read as follows:

CHAPTER 241. GENERAL [SUBCHAPTER G. MISCELLANEOUS]
PROVISIONS

Sec. 241.001 ~~[61.091]~~. COOPERATION OF OTHER AGENCIES. To effectuate the purpose of this subtitle ~~[chapter]~~ and to make maximum use of existing facilities and personnel, all departments and agencies of the state and all officers and employees of the state, when requested by the department ~~[commission]~~, shall cooperate with the department ~~[it]~~ in all activities consistent with their proper functions.

Sec. 241.0015 ~~[61.0911]~~. ~~[COORDINATED]~~ STRATEGIC PLAN. The department ~~[Texas Youth Commission]~~ shall biennially develop ~~[with the Texas Juvenile Probation Commission]~~ a ~~[coordinated]~~ strategic plan in the manner described by Section 221.009 ~~[Sections 141.0471 and 141.0472]~~.

Sec. 241.002 ~~[61.092]~~. NO FORFEITURE OF CERTAIN CIVIL RIGHTS. Commitment of a child to the custody of the department ~~[commission]~~ does not disqualify the child in any future examination, appointment, or application for public service under the government of the state or of any political subdivision of the state.

~~[Sec. 61.093. ESCAPE AND APPREHENSION. (a) If a child who has been committed to the commission and placed by it in any institution or facility has escaped or has been released under supervision and broken the conditions of release:~~

~~[(1) a sheriff, deputy sheriff, constable, or police officer may, without a warrant, arrest the child; or~~

~~[(2) a commission employee designated by the executive commissioner may, without a warrant or other order, take the child into the custody of the commission.~~

~~[(b) A child who is arrested or taken into custody under Subsection (a) may be detained in any suitable place, including an adult jail facility if the person is 17 years of age or older, until the child is returned to the custody of the commission or transported to a commission facility.~~

~~[(c) Notwithstanding Section 58.005, Family Code, the commission may disseminate to the public the following information relating to a child who has escaped from custody:~~

~~[(1) the child's name, including other names by which the child is known;~~

~~[(2) the child's physical description, including sex, weight, height, race, ethnicity, eye color, hair color, scars, marks, and tattoos;~~

~~[(3) a photograph of the child; and~~

~~[(4) if necessary to protect the welfare of the community, any other information that reveals dangerous propensities of the child or expedites the apprehension of the child.~~

~~[Sec. 61.0931. APPREHENSION SPECIALISTS. (a) The commission may employ and commission apprehension specialists as peace officers for the purpose of apprehending a child under Section 61.093.~~

~~[(b) Peace officers employed and commissioned under Subsection (a) must be certified by the Commission on Law Enforcement Officer Standards and Education under Chapter 415, Government Code.]~~

Sec. 241.003 ~~[61.094]~~. YOUTH DEVELOPMENT COUNCIL FUND. The youth development council fund exists in the treasury as a special fund for the purposes provided by law.

Sec. 241.004 ~~[61.095]~~. REQUEST FOR CERTAIN RECORDS. For the purpose of offering a record as evidence in the punishment phase of a criminal proceeding, a prosecuting attorney may obtain the record of a defendant's adjudication that is admissible under Section 3(a), Article 37.07, Code of Criminal Procedure, by submitting a request for the record to the department ~~[commission]~~. If the department ~~[commission]~~ has a record to which the prosecuting attorney is entitled under this section, the department ~~[commission]~~ shall furnish a copy of the record to the prosecuting attorney. Otherwise, the department ~~[commission]~~ shall notify the prosecuting attorney that the department ~~[commission]~~ does not have a record to which the attorney is entitled under this section.

Sec. 241.005 ~~[61.096]~~. LIABILITY OF VOLUNTEERS. (a) Except as provided by Subsection (b), a volunteer is not liable for damages arising from an act or omission that results in personal injury, death, or property damage if the act or omission is:

- (1) in the course and scope of the volunteer's duties as a volunteer; and
- (2) not intentional or grossly negligent.

(b) A volunteer is liable for personal injury, death, or property damage proximately caused by an act or omission related to the operation or use of any motor-driven equipment to the extent of the greater of:

- (1) the amount of financial responsibility required for the motor-driven equipment, if any, under Chapter 601, Transportation Code; or
- (2) the amount of any liability insurance coverage that applies to the act or omission.

(c) In this section, "volunteer" means an individual rendering services for or on behalf of the department ~~[commission]~~ who does not receive compensation in excess of reimbursement for expenses incurred.

Sec. 241.006 ~~[61.097]~~. APPLICATION OF LAW RELATING TO FREE EXERCISE OF RELIGION. For purposes of Chapter 110, Civil Practice and Remedies Code, an ordinance, rule, order, decision, or practice that applies to a person in the custody of a juvenile detention facility or other correctional facility operated by or under a contract with the department ~~[commission]~~, a county, or a juvenile probation department is presumed to be in furtherance of a compelling governmental interest and the least restrictive means of furthering that interest. The presumption may be rebutted.

Sec. 241.007 [~~61.098~~]. CERTAIN CRIMES CONCERNING THE DEPARTMENT [~~COMMISSION~~]. (a) In this section, "special prosecution unit" means the special prosecution unit established under Subchapter E, Chapter 41, Government Code.

(b) As appropriate, the district attorney, criminal district attorney, or county attorney representing the state in criminal matters before the district or inferior courts of the county who would otherwise represent the state in the prosecution of an offense or delinquent conduct concerning the department [~~commission~~] and described by Article 104.003(a), Code of Criminal Procedure, may request that the special prosecution unit prosecute, or assist in the prosecution of, the offense or delinquent conduct.

(c) The office of inspector general operated under Subchapter C, Chapter 242, shall on a quarterly basis prepare and deliver to the board of directors of the special prosecution unit a report concerning:

(1) any alleged criminal offense or delinquent conduct concerning the department [~~commission~~] and described by Article 104.003(a), Code of Criminal Procedure, that occurred during the preceding calendar quarter; and

(2) the disposition of any case involving a criminal offense or delinquent conduct concerning the department [~~commission~~] and described by Article 104.003(a), Code of Criminal Procedure, that occurred during the preceding calendar quarter.

(d) Notwithstanding Subsection (c), the office of inspector general shall immediately provide the special prosecution unit with a report concerning an alleged criminal offense or delinquent conduct concerning the department [~~commission~~] and described by Article 104.003(a), Code of Criminal Procedure, if the chief inspector general reasonably believes the offense or conduct is particularly serious and egregious.

(e) The chief inspector general of the office of inspector general, at the direction of the board of directors of the special prosecution unit, shall notify the foreman of the appropriate grand jury, in the manner provided by Article 20.09, Code of Criminal Procedure, if:

(1) the chief inspector general receives credible evidence of illegal or improper conduct by department [~~commission~~] officers, employees, or contractors that the inspector general reasonably believes jeopardizes the health, safety, and welfare of children in the custody of the department [~~commission~~];

(2) the chief inspector general reasonably believes the conduct:

(A) could constitute an offense under Article 104.003(a), Code of Criminal Procedure; and

(B) involves the alleged physical or sexual abuse of a child in the custody of a department [~~commission~~] facility or an investigation related to the alleged abuse; and

(3) the chief inspector general has reason to believe that information concerning the conduct has not previously been presented to the appropriate grand jury.

Sec. 241.008 [61.099]. DUTY TO FILE COMPLAINT WITH LAW ENFORCEMENT AGENCY. If the executive director [commissioner] has reasonable cause to believe that a child in the custody of the department [commission] is the victim of a crime committed at a department [commission] facility operated under this subtitle, the executive director [commissioner] shall immediately file a complaint with the appropriate law enforcement agency.

SECTION 1.007. Subchapters C, D, E, and F, Chapter 61, Human Resources Code, are transferred to Subtitle C, Title 12, Human Resources Code, as added by this Act, redesignated as Chapters 242, 243, 244, and 245, respectively, and amended to read as follows:

CHAPTER 242. OPERATION OF SECURE FACILITIES

SUBCHAPTER A. GENERAL AND ADMINISTRATIVE PROVISIONS

[SUBCHAPTER C. POWERS AND DUTIES]

Sec. 242.001. STUDY OF TREATMENT METHODS; STATISTICAL RECORDS. (a) The department shall conduct continuing inquiry into the effectiveness of the treatment methods the department employs in the reformation of children. To this end, the department shall maintain a record of arrests and commitments of its wards subsequent to their discharge from the jurisdiction of the department and shall tabulate, analyze, and publish biennially the data for use in evaluating the relative merits of treatment methods.

(b) The department shall cooperate with courts and private and public agencies in the collection of statistics and information regarding juvenile delinquency, arrests made, complaints, informations, and petitions filed, and the dispositions made of them, and other information useful in determining the amount and causes of juvenile delinquency in this state.

[Sec. 61.031. CONTINUING STUDY. The commission shall carry on a continuing study of the problem of juvenile delinquency in this state and shall seek to focus public attention on special solutions to this problem.]

Sec. 242.002 [61.0315]. EVALUATION OF TREATMENT PROGRAMS; AVAILABILITY. (a) The department [commission] shall annually review the effectiveness of the department's [commission's] programs for the rehabilitation and reestablishment in society of children committed to the department [commission], including programs for sex offenders, capital offenders, children who are chemically dependent, emotionally disturbed children, and females.

(b) On or before December 31 of each year, the department [commission] shall make a report on the effectiveness of the programs to the Legislative Budget Board.

(c) The department [commission] shall offer or make available programs described by Subsection (a) in an adequate manner so that a child in the custody of the department [commission] receives appropriate rehabilitation services recommended for the child by the court committing the child to the department [commission].

(d) If the department [commission] is unable to offer or make available programs described by Subsection (a) in the manner provided by Subsection (c), the department [commission] shall, not later than January 10 of each odd-numbered year, provide the standing committees of the senate and house of representatives with primary jurisdiction over matters concerning correctional facilities with a report explaining:

- (1) which programs are not offered or are unavailable; and
- (2) the reason the programs are not offered or are unavailable.

(c) The department [~~commission~~] shall periodically review, document, and compare the accessibility and funding of treatment programs provided to female children committed to the department [~~commission~~] to the accessibility and funding of treatment provided to male children committed to the department [~~commission~~].

~~[Sec. 61.032. ADMINISTRATION OF INSTITUTIONS. The commission shall administer the training, diagnostic treatment, and supervisory facilities and services of the state for children committed to the commission and shall manage and direct all institutions and training school facilities under the authority of the commission.]~~

~~[Sec. 61.033. ANNUAL FINANCIAL REPORT. The commission shall prepare annually a complete and detailed written report accounting for all funds received and disbursed by the commission during the preceding fiscal year. The annual report must meet the reporting requirements applicable to financial reporting provided in the General Appropriations Act.]~~

~~[Sec. 61.0331. INTERNAL AUDIT; REPORT. (a) The commission shall regularly conduct internal audits of the commission, including audits of:~~

~~(1) correctional facilities operated by and under contract with the commission; and~~

~~(2) medical services provided to children in the custody of the commission.]~~

~~(b) The commission shall on a quarterly basis report the results of the audits to:~~

~~(1) the committees of the senate and house of representatives with primary jurisdiction over matters concerning correctional facilities; and~~

~~(2) the state auditor.]~~

Sec. 242.003 [~~61.034~~]. POLICIES AND RULES. (a) The board [~~executive commissioner~~] is responsible for the review and approval [~~adoption~~] of all policies and shall make rules appropriate to the proper accomplishment of the department's [~~commission's~~] functions. The board may delegate to the executive director the board's responsibility for the adoption of certain policies as appropriate for the proper accomplishment of the department's functions relating to state-operated facilities and the department's personnel.

(b) The board [~~executive commissioner~~] shall adopt rules for the government of the schools, facilities, and programs under the department's [~~commission's~~] authority under this subtitle and shall see that the schools, facilities, and programs are conducted according to law and to the board's [~~executive commissioner's~~] rules.

(c) The purpose of the rules and of all education, work, training, discipline, and recreation adopted under this section[;] and of all other activities in the schools, facilities, and programs is to restore and increase the self-respect and self-reliance of the children [~~youth~~] under the authority of the department [~~commission~~] and to qualify those children [~~them~~] for good citizenship and honorable employment.

~~[Sec. 61.0345. MISSION STATEMENT. The commission shall develop and adopt a statement regarding the role and mission of the commission.]~~

Sec. 242.004 [~~61.035~~]. EMPLOYEES. (a) Within the limits specified by legislative appropriation, the department [~~commission~~] may employ and compensate personnel necessary to carry out the department's [~~its~~] duties.

(b) Except as otherwise provided by this subchapter [~~chapter~~], an employee of the department [~~commission~~] is employed on an at-will basis.

(c) The department [~~commission~~] shall establish procedures and practices governing:

(1) employment-related grievances submitted by department [~~commission~~] employees; and

(2) disciplinary actions within the department [~~commission~~], including a procedure allowing a department [~~commission~~] employee to elect to participate in an independent dismissal mediation if the employee is recommended for dismissal.

Sec. 242.005 [~~61.0351~~]. PROFESSIONAL INFORMATION FOR ADVISORY BOARD MEMBERS AND EMPLOYEES. The executive director [~~commissioner~~] shall provide to members of any applicable [~~the~~] advisory board and to department [~~commission~~] employees, as often as is necessary, information regarding qualifications [~~their qualification~~] for office or employment under this chapter and [~~their~~] responsibilities under applicable laws relating to standards of conduct for state officers or employees.

~~[Sec. 61.0352. DIVISION OF RESPONSIBILITY. The board shall develop and implement policies that clearly separate the policymaking responsibilities of the board and the management responsibilities of the staff of the commission.]~~

Sec. 242.006 [~~61.0353~~]. INTRA-AGENCY CAREER LADDER PROGRAM. The program shall require intra-agency posting of all positions concurrently with any public postings.

Sec. 242.007 [~~61.0354~~]. JOB PERFORMANCE EVALUATIONS. The executive director [~~commissioner~~] shall develop a system of annual performance evaluations that are based on documented employee performance. All merit pay for department [~~commission~~] employees must be based on the system established under this section.

Sec. 242.008 [~~61.0355~~]. EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT. (a) The executive director [~~commissioner~~] shall prepare and maintain a written policy statement to assure implementation of a program of equal employment opportunity under which all personnel transactions are made without regard to race, color, disability, sex, religion, age, or national origin. The policy statement shall include:

(1) personnel policies, including policies relating to recruitment, evaluation, selection, appointment, training, and promotion of personnel that are in compliance with requirements of Chapter 21, Labor Code;

(2) a comprehensive analysis of the department's [~~commission's~~] work force that meets federal or state laws, rules, and regulations and instructions promulgated directly from those laws, rules, and regulations;

(3) procedures by which a determination can be made about the extent of underuse in the department's [~~commission's~~] work force of all persons of whom federal or state laws, rules, and regulations and instructions promulgated directly from those laws, rules, and regulations encourage a more equitable balance; and

(4) reasonable methods to appropriately address those areas of underuse.

(b) A policy statement prepared under Subsection (a) must cover an annual period, be updated annually, be reviewed by the Texas Workforce Commission [~~on Human Rights~~] for compliance with Subsection (a)(1), and be filed with the governor's office.

(c) The governor's office shall deliver a biennial report to the legislature based on the information received under Subsection (b). The report may be made separately or as a part of other biennial reports made to the legislature.

Sec. 242.009 [~~61.0356~~]. JUVENILE CORRECTIONAL OFFICERS; STAFFING. (a) In this section, "juvenile correctional officer" means a department [~~an~~] employee whose primary duties include [~~duty includes~~] the custodial supervision of children in the custody of the department [~~commission~~].

(b) The department [~~commission~~] shall provide each juvenile correctional officer employed by the department [~~commission~~] with at least 300 hours of training, which must include on-the-job training, before the officer independently commences the officer's duties at the facility. The training must provide the officer with information and instruction related to the officer's duties, including information and instruction concerning:

- (1) the juvenile justice system of this state, including the juvenile correctional facility system;
- (2) security procedures;
- (3) the supervision of children committed to the department [~~commission~~];
- (4) signs of suicide risks and suicide precautions;
- (5) signs and symptoms of the abuse, assault, neglect, and exploitation of a child, including sexual abuse and sexual assault, and the manner in which to report the abuse, assault, neglect, or exploitation of a child;
- (6) the neurological, physical, and psychological development of adolescents;
- (7) department [~~commission~~] rules and regulations, including rules, regulations, and tactics concerning the use of force;
- (8) appropriate restraint techniques;
- (9) the Prison Rape Elimination Act of 2003 (42 U.S.C. Section 15601, et seq.);
- (10) the rights and responsibilities of children in the custody of the department [~~commission~~];
- (11) interpersonal relationship skills;
- (12) the social and cultural lifestyles of children in the custody of the department [~~commission~~];
- (13) first aid and cardiopulmonary resuscitation;
- (14) counseling techniques;
- (15) conflict resolution and dispute mediation, including de-escalation techniques;
- (16) behavior management;
- (17) mental health issues; and
- (18) employee rights, employment discrimination, and sexual harassment.

(c) The department [~~commission~~] may employ part-time juvenile correctional officers. A part-time juvenile correctional officer is subject to the training requirements of this section.

(d) In each correctional facility operated by the department [~~commission~~] that has a dormitory, including an open-bay dormitory, the department [~~commission~~] must maintain a ratio of not less than one juvenile correctional officer performing direct supervisory duties for every 12 persons committed to the facility.

(e) The department [~~commission~~] shall consider the age of a juvenile correctional officer or other department [~~commission~~] employee who performs direct supervisory duties when determining the placement of the officer or employee in a department [~~commission~~] facility so that, to the extent practicable, an officer or employee is not supervising a child who is not more than three years younger than the officer or employee or is otherwise a similar age to the officer or employee.

(f) The department [~~commission~~] shall rotate the assignment of each juvenile correctional officer at an interval determined by the department [~~commission~~] so that a juvenile correctional officer is not assigned to the same station for an extended period of time.

(g) The department [~~commission~~] shall ensure that at least one juvenile correctional officer is assigned to supervise in or near a classroom or other location in which children receive education services or training at the time the children are receiving the education services or training.

(h) The board [~~commission~~] shall adopt rules necessary to administer this section.

Sec. 242.010 [~~61-0357~~]. REQUIRED BACKGROUND AND CRIMINAL HISTORY CHECKS. (a) In this section, "national[:

(1) "Department" means the Department of Public Safety.

(2) "National] criminal history record information" means criminal history record information obtained from the Department of Public Safety [~~department~~] under Subchapter F, Chapter 411, Government Code, and from the Federal Bureau of Investigation under Section 411.087, Government Code.

(b) The executive director [~~commissioner~~] shall review the national criminal history record information, state criminal history record information maintained by the Department of Public Safety [~~department~~], and previous and current employment references of each person who:

(1) is an employee, contractor, volunteer, ombudsman, or advocate working for the department [~~commission~~] or working in a department [~~commission~~] facility or a facility under contract with the department [~~commission~~];

(2) provides direct delivery of services to children in the custody of the department [~~commission~~]; or

(3) has access to records in department [~~commission~~] facilities or offices.

(c) To enable the executive director [~~commissioner~~] to conduct the review, the board [~~commission~~] shall adopt rules requiring a person described by Subsection (b) to electronically provide the Department of Public Safety [~~department~~] with a complete set of the person's fingerprints in a form and of a quality acceptable to the Department of Public Safety [~~department~~] and the Federal Bureau of Investigation.

(d) For each person described by Subsection (b), the executive director ~~[commissioner]~~ shall review on an annual basis the person's national criminal history record information.

(e) The department ~~[commission]~~ shall ensure that the system used to check state criminal history record information maintained by the Department of Public Safety ~~[department]~~ is capable of providing real time arrest information.

(f) The board ~~[commission]~~ by rule may require a person described by Subsection (b) to pay a fee related to the first national criminal history record information review conducted under this section. The amount of the fee may not exceed the administrative costs incurred by the department ~~[commission]~~ in conducting the initial review, including the costs of obtaining the person's fingerprints.

(g) The board ~~[commission]~~ shall adopt rules necessary to administer this section.

Sec. 242.011. BIENNIAL BUDGET. The executive director shall prepare a biennial budget of all funds necessary to be appropriated by the legislature to the department to carry out the purposes of this subtitle. The budget shall be submitted and filed by the executive director in the form and manner and within the time prescribed by law.

SUBCHAPTER B. SECURE FACILITIES; SERVICES

Sec. 242.051. ADMINISTRATION OF INSTITUTIONS; CHARGE OF CHILDREN. (a) The department shall:

(1) administer the training, diagnostic treatment, and supervisory facilities and services of the state for children committed to the department; and

(2) manage and direct all institutions and training school facilities under the authority of the department.

(b) The department shall have general charge of and be responsible for the welfare, custody, and rehabilitation of the children in a school, facility, or program operated or funded by the department. The department shall seek to establish relationships and to organize a way of life that will meet the spiritual, moral, physical, emotional, intellectual, and social needs of the children under the department's care as those needs would be met in an adequate home.

(c) The department shall see that the buildings and premises are kept in good sanitary condition.

Sec. 242.052. BUILDINGS AND IMPROVEMENTS. (a) The department may design, construct, equip, furnish, and maintain buildings and improvements at facilities under the department's jurisdiction.

(b) The department may employ architects or engineers, or both, to prepare plans and specifications and to supervise the construction and improvements described by Subsection (a).

(c) The board shall promulgate rules relating to the award of contracts for the construction of buildings and improvements. The rules shall provide for the award of contracts for the construction of buildings and improvements to the qualified bidder making the lowest and best bid. A construction contract may not be awarded for a sum in excess of the amount of funds available for the project. The department may reject any and all bids submitted.

(d) If a project is financed wholly or partly by federal funds, any standards required by the enabling federal statute or required by the rules of the administering federal agency control over this section.

(e) The department may employ professional, technical, and clerical personnel to carry out the design and construction functions required by this section.

~~[Sec. 61.036. COOPERATION WITH OTHER AGENCIES. (a) The commission shall cooperate with all existing agencies and encourage the establishment of new programs, both local and statewide, the object of which is services to delinquent and predelinquent youth of this state.~~

~~(b) The commission may assist in developing, strengthening, and coordinating educational, welfare, health, recreational, and law enforcement programs which have as their object the prevention of juvenile delinquency and crime.]~~

Sec. 242.053 [61.037]. USE OF EXISTING INSTITUTIONS AND AGENCIES. (a) In carrying out the department's [its] duties, the department [commission] may make use of law-enforcement, detention, supervisory, medical, educational, correctional, and other facilities, institutions, and agencies in the state. This section does not authorize the department [commission] to assume control of any other agency, institution, or facility in the state, or to require any agency, institution, or facility to serve the department [commission] in a manner inconsistent with the [its] authority or function of the agency, institution, or facility or with any law or regulation governing the [its] activity of the agency, institution, or facility.

(b) When funds are available for the purpose, the department [commission] may enter into agreements with appropriate public or private agencies for the separate care and treatment of persons subject to the control of the department [commission]. The department [commission] may not make use of any private institution or agency without its consent. The department [commission] shall make reasonable efforts to ensure that the expenditure of appropriations for the purchase of contract residential care for children, not including the purchase of care in foster family homes, be allocated to providers on a fixed monthly basis if that allocation [it] is cost-effective and the number, type, needs, and conditions of the children to be served is reasonably constant.

(c) The department [commission] shall periodically inspect all public and private institutions and agencies whose facilities the department [it] is using. Every public and private institution and agency shall allow [afford to] the department [commission] reasonable opportunity to examine and consult with children who have been committed to the department [commission] and who are in the custody of the institution or agency.

(d) Placement of a child in, or the release of a child by, any institution not operated by the department [commission] does not terminate the authority of the department [commission] over the child. No child placed in an institution or under an agency by the department [commission] may be released by the institution or agency without the approval of the department [commission].

Sec. 242.054 ~~[61.038]~~. HALFWAY HOUSE PROGRAM. (a) The department ~~[commission]~~ may not develop a halfway house to be operated by the department ~~[commission]~~ if an appropriate private halfway house program is contractually available and the costs under the contract are less than the costs would be if the department ~~[commission]~~ provided the services.

(b) Before the department ~~[commission]~~ contracts for the development of a halfway house program, the department ~~[commission]~~ shall send prospective service providers a request for a proposal that identifies the program services desired, the population to be served, and potential locations for the program. The department ~~[commission]~~ shall select the service provider that submits the proposal that best meets the department's ~~[commission's]~~ needs according to standards established by the department ~~[commission]~~. If the department ~~[commission]~~ does not receive a proposal that meets its needs, the department ~~[commission]~~ may request funds from the legislature for the development of a halfway house to be operated by the department ~~[commission]~~.

(c) This section does not apply to halfway houses operated by the department ~~[commission]~~ on September 1, 1987.

Sec. 242.055 ~~[61.0385]~~. CRISIS INTERVENTION AND ASSESSMENT CENTERS. The department ~~[commission]~~ may establish a children's crisis intervention and assessment center at a facility owned or operated by the department ~~[commission]~~. The department ~~[commission]~~ may contract with another entity for the provision or use of services at the center.

Sec. 242.056 ~~[61.0386]~~. ADVOCACY AND SUPPORT GROUPS. (a) The department ~~[commission]~~ shall allow advocacy and support groups whose primary functions are to benefit children, inmates, girls and women, the mentally ill, or ~~[and]~~ victims of sexual assault to provide on-site information, support, and other services for children confined in department ~~[commission]~~ facilities.

(b) The department ~~[commission]~~ shall adopt security and privacy procedures for advocacy and support groups that provide on-site information, support, and other services under this section. The security and privacy procedures may not be designed to deny an advocacy or support group access to children confined in department ~~[commission]~~ facilities.

(c) The department ~~[commission]~~ shall adopt standards consistent with standards adopted by the Texas Department of Criminal Justice regarding the confidential correspondence of children confined in department ~~[commission]~~ facilities with external entities, including advocacy and support groups.

Sec. 242.057 ~~[61.039]~~. DEPARTMENT ~~[COMMISSION]~~ PROGRAMS. (a) The department ~~[commission]~~ shall develop and use standards based on performance to evaluate and compare programs operated by the department ~~[commission]~~.

(b) When practicable and feasible, the department ~~[commission]~~ shall provide specific performance standards for a program serving 10 or more children through an agreement entered into under Section 242.053 ~~[61.037 of this chapter]~~. In the performance standards, the department ~~[commission]~~ shall include outcome measures for evaluating the quality of services provided under the agreement.

(c) For the purposes of comparison, the department [~~commission~~] shall use performance standards that are as consistent as practicable with those used to evaluate and compare programs operated by the department [~~commission~~], that measure the benefits and cost-effectiveness of the respective programs, and that measure the average length of stay and rate of recidivism of the children in the program.

Sec. 242.058 [~~61.0395~~]. SERVICES FOR CHILDREN NOT COMMITTED TO THE DEPARTMENT [~~COMMISSION~~]. The department [~~commission~~] may provide services to a child not committed to the department [~~commission~~] if the department [~~commission~~] contracts with a local juvenile probation department, the Health and [Texas Department of] Human Services Commission, or the Department of Family and Protective [and Regulatory] Services to provide services to the child.

Sec. 242.059 [~~61.040~~]. ADDITIONAL FACILITIES; PAROLE SUPERVISION. When funds are available, the department [~~commission~~] may:

(1) establish and operate places for detention and diagnosis of children committed to it;

(2) establish and operate additional treatment and training facilities, including forestry or parks-maintenance camps and ranches, necessary to classify and treat children committed to the department [~~commission~~] according to their needs;

(3) establish active parole supervision to aid children given conditional release to find homes and employment and to become reestablished in the community; and

(4) assist in establishing training facilities and programs owned and operated by private individuals or organizations which agree to provide services to children committed to the department [~~commission~~], including programs for children needing long-term residential care.

Sec. 242.060 [~~61.0401~~]. COMPUTATION OF DAILY COSTS OF FACILITY. In computing the daily costs of a residential facility operated by the department [~~commission~~], the department [~~commission~~] shall use a standard method that is:

(1) consistent with methods used by other state agencies; and

(2) [~~that is~~] designed to reflect the actual cost to the state of operating the facility.

Sec. 242.061 [~~61.041~~]. STUDY OF TREATMENT METHODS; STATISTICAL RECORDS. (a) ~~The commission shall conduct continuing inquiry into the effectiveness of the treatment methods it employs in the reformation of children. To this end, the commission shall maintain a record of arrests and commitments of its wards subsequent to their discharge from the jurisdiction of the commission and shall tabulate, analyze, and publish biennially these data for use in evaluating the relative merits of treatment methods.~~

~~(b) The commission shall cooperate with courts and private and public agencies in the collection of statistics and information regarding juvenile delinquency, arrests made, complaints, informations, and petitions filed, and the dispositions made of them, and other information useful in determining the amount and causes of juvenile delinquency in this state.~~

[~~Sec. 61.042~~]. REFERRALS FROM FEDERAL COURT. The department [~~commission~~] may enter into agreements with the federal government to accept children from the federal court for an agreed compensation.

~~Sec. 242.062 [61.0421. PUBLIC INTEREST INFORMATION. The commission shall prepare information of public interest describing the functions of the commission and describing the procedures by which complaints are filed with and resolved by the commission. The commission shall make the information available to the general public and appropriate state agencies.~~

~~[Sec. 61.0422. COMPLAINTS REGARDING SERVICES. (a) The commission shall maintain a system to promptly and efficiently act on a complaint filed with the commission by a person, other than a child receiving services from the commission or the child's parent or guardian, that the commission has authority to resolve. The commission shall maintain information about parties to the complaint, the subject matter of the complaint, a summary of the results of the review or investigation of the complaint, and the disposition of the complaint.~~

~~[(b) The commission shall make information available describing the commission's procedures for complaint investigation and resolution.~~

~~[(c) The commission shall periodically notify the complaint parties of the status of the complaint until final disposition, unless the notice would jeopardize an undercover investigation.~~

~~[(d) The commission shall keep information about each written complaint filed with the commission by a child receiving services from the commission or the child's parent or guardian. The information must include:~~

~~[(1) the subject matter of the complaint;~~

~~[(2) a summary of the results of the review or investigation of the complaint; and~~

~~[(3) the period of time between the date the complaint is received and the date the complaint is closed.~~

~~[Sec. 61.0423. PUBLIC HEARINGS. (a) The board shall develop and implement policies that provide the public with a reasonable opportunity to appear before the board and to speak on any issue under the jurisdiction of the commission.~~

~~[(b) The board shall ensure that the location of public hearings held in accordance with this section is rotated between municipalities in which a commission facility is located or that are in proximity to a commission facility.~~

~~[Sec. 61.043. GIFTS; GRANTS. The commission may accept gifts, grants, or donations of money or property from private sources to effectuate the purpose of this chapter. Donated funds shall be placed in the state treasury in a special fund called the Texas Youth Commission Fund and expended as other state money is expended, on warrants drawn by the comptroller on the order of the commission. At the end of each state fiscal year, any unexpended balance in the fund shall be carried over in the same fund.~~

~~[Sec. 61.0431. SPECIAL ACCOUNTS. (a) Proceeds from the operation of canteens and vending machines at facilities under the jurisdiction of the department [commission] shall be deposited to the credit of a special account in the General Revenue Fund called the canteen revolving fund. The proceeds shall be used to pay the actual expenses of maintaining and operating the canteens and vending machines.~~

(b) Proceeds in excess of the amount required for the ~~those~~ expenses described by Subsection (a), donations for student activities, and proceeds from children's fundraising projects shall be deposited to the credit of a special account in the General Revenue Fund called the student benefit fund and may be used only to:

(1) provide education, recreation, and entertainment to children committed to the department ~~[commission]~~; or

(2) reimburse children committed to the department ~~[commission]~~ for personal property lost or damaged as a result of negligence by the staff of the department ~~[commission]~~.

(c) ~~(b)~~ Proceeds from shop projects at the facilities under the department's ~~[commission's]~~ jurisdiction shall be deposited to the credit of a special account in the General Revenue Fund called the vocational shop fund and may be used only to:

(1) purchase and maintain parts, tools, and other supplies necessary for the shop projects; and

(2) ~~[to]~~ compensate the students who participate in the projects.

(d) ~~(c)~~ Registration fees from seminars and conferences conducted by the department ~~[commission]~~ shall be deposited to the credit of a special account in the General Revenue Fund called the conference account and may be used only to pay the costs of conducting seminars and conferences.

(e) ~~(d)~~ Money in the special accounts described by this section is appropriated for the purposes indicated in this section and shall be expended on warrants drawn by the comptroller on the order of the department ~~[commission]~~.

Sec. 242.063 ~~[61.0432]~~. STUDENT TRUST FUND; CONTRABAND MONEY. (a) Except as provided by Subsection (b), money belonging to a child committed to the department ~~[commission]~~ in excess of the amount the department ~~[commission]~~ allows in a child's possession shall be deposited in a trust fund established by the facility operated by the department ~~[commission]~~ to which the child is assigned. The board ~~[commission]~~ shall adopt rules governing the administration of the trust fund.

(b) Money possessed by a child committed to the department ~~[commission]~~ that is determined to be contraband money as defined by department ~~[commission]~~ rule shall be deposited in the student benefit fund described by Section 242.062(b) ~~[61.0431]~~. The department ~~[commission]~~ shall notify each child committed to the department ~~[commission]~~ that the possession of contraband money is subject to confiscation by the department ~~[commission]~~ under this subsection.

Sec. 242.064 ~~[61.0433]~~. DEBIT CARD SUSPENSE ACCOUNTS. (a) The department ~~[commission]~~ may establish debit card suspense accounts necessary to operate magnetic debit card systems at facilities under the jurisdiction of the department ~~[commission]~~ to enable the students, employees, and visitors to make purchases of:

- (1) merchandise from vending machines or canteens within the facilities;
- (2) meals from cafeterias within the facilities; and
- (3) services that the facilities are authorized to provide.

(b) Cash received from cash-to-card machines and amounts electronically transferred for card use from the students' trust fund accounts shall be deposited to debit card suspense accounts in local depositories and held pending card purchases.

(c) Transfers of cash based on card use for purchases of merchandise or services shall be made from the debit card suspense accounts to the appropriate vendors and to accounts in the state treasury in accordance with laws governing receipt of state revenues.

(d) Unused debit card balances shall be refunded to the card holders from the debit card suspense accounts.

~~Sec. 242.065 [61.044. BIENNIAL BUDGET. The executive commissioner shall prepare a biennial budget of all funds necessary to be appropriated by the legislature to the commission to carry out the purposes of this chapter. The budget shall be submitted and filed by the executive commissioner in the form and manner and within the time prescribed by law.~~

~~[Sec. 61.045. OPERATIONS OF PROGRAMS AND FACILITIES. (a) The commission shall have general charge of and be responsible for the welfare, custody, and rehabilitation of the children in a school, facility, or program operated or funded by the commission. The commission shall seek to establish relationships and to organize a way of life that will meet the spiritual, moral, physical, emotional, intellectual, and social needs of the children under its care as those needs would be met in an adequate home.~~

~~[(b) The commission shall see that the buildings and premises are kept in good sanitary order.~~

~~[Sec. 61.0451. OFFICE OF INSPECTOR GENERAL. (a) The office of inspector general is established at the commission for the purpose of investigating:~~

~~[(1) crimes committed by commission employees, including parole officers employed by or under a contract with the commission; and~~

~~[(2) crimes and delinquent conduct committed at a facility operated by the commission, a residential facility operated by another entity under a contract with the commission, or any facility in which a child committed to the custody of the commission is housed or receives medical or mental health treatment.~~

~~[(b) The office of inspector general shall prepare and deliver a report concerning the results of any investigation conducted under this section to:~~

~~[(1) the executive commissioner;~~

~~[(2) the advisory board;~~

~~[(3) the governor;~~

~~[(4) the lieutenant governor;~~

~~[(5) the speaker of the house of representatives;~~

~~[(6) the standing committees of the senate and house of representatives with primary jurisdiction over matters concerning correctional facilities;~~

~~[(7) the special prosecution unit;~~

~~[(8) the state auditor; and~~

~~[(9) any other appropriate state agency responsible for licensing or certifying commission employees or facilities.~~

~~[(c) The report prepared under Subsection (b) must include a summary of the actions performed by the office of inspector general in conducting the investigation, a statement of whether the investigation resulted in a finding that a criminal offense or~~

~~delinquent conduct occurred, and a description of the finding. The report is public information under Chapter 552, Government Code, only to the extent authorized under that chapter and other law.~~

~~[(d) The office of inspector general may employ and commission inspectors general as peace officers for the purpose of carrying out the duties described by this section. An inspector general shall have all of the powers and duties given to peace officers under Article 2.13, Code of Criminal Procedure.~~

~~[(e) Peace officers employed and commissioned under Subsection (d) must:~~

~~[(1) be certified by the Commission on Law Enforcement Officer Standards and Education under Chapter 1701, Occupations Code; and~~

~~[(2) complete advanced courses relating to the duties of peace officers employed and commissioned under Subsection (d) as part of any continuing education requirements for the peace officers.~~

~~[(f) The executive commissioner shall select a commissioned peace officer as chief inspector general. The chief inspector general is subject to the requirements of this section and may only be discharged for cause.~~

~~[(g) The chief inspector general shall on a quarterly basis prepare and deliver a report concerning the operations of the office of inspector general to:~~

~~[(1) the executive commissioner;~~

~~[(2) the advisory board;~~

~~[(3) the governor;~~

~~[(4) the lieutenant governor;~~

~~[(5) the speaker of the house of representatives;~~

~~[(6) the standing committees of the senate and house of representatives with primary jurisdiction over correctional facilities;~~

~~[(7) the state auditor; and~~

~~[(8) the comptroller.~~

~~[(h) A report prepared under Subsection (g) is public information under Chapter 552, Government Code, to the extent authorized under that chapter and other law, and the commission shall publish the report on the commission's Internet website. A report must be both aggregated and disaggregated by individual facility and include information relating to:~~

~~[(1) the types of investigations conducted by the office of inspector general, such as whether an investigation concerned narcotics or an alleged incident of sexual abuse;~~

~~[(2) the relationship of a victim to a perpetrator, if applicable; and~~

~~[(3) the number of investigations conducted concerning suicides, deaths, and hospitalizations of children in the custody of the commission.~~

~~[(i) The office of inspector general shall immediately report to the executive director, the board, the governor's general counsel, and the state auditor:~~

~~[(1) any particularly serious or flagrant problem concerning the administration of a commission program or operation; or~~

~~[(2) any interference by the executive director, an employee of the commission, a facility described by Subsection (a)(2), or an officer or employee of a facility described by Subsection (a)(2) with an investigation conducted by the office.~~

~~[Sec. 61.0452. TOLL FREE NUMBER. (a) The commission shall establish a permanent, toll free number for the purpose of receiving any information concerning the abuse, neglect, or exploitation of children in the custody of the commission.~~

~~[(b) The office of inspector general shall ensure that:~~

~~[(1) the toll free number is prominently displayed in each commission facility; and~~

~~[(2) children in the custody of the commission and commission employees have confidential access to telephones for the purpose of calling the toll free number.~~

~~[Sec. 61.046]. RELIGIOUS TRAINING. The department [commission] shall provide for the religious and spiritual training of children in its custody according to the children's individual choices.~~

~~Sec. 242.066 [61.046]. EMPLOYMENT OR DESIGNATION OF CHAPLAIN AT CERTAIN DEPARTMENT [COMMISSION] FACILITIES. The department [commission] shall ensure that a chaplain is employed or formally designated for each department [commission] correctional facility that is an institution.~~

~~Sec. 242.067 [61.047]. VIOLENCE PREVENTION AND CONFLICT RESOLUTION EDUCATION. The department [commission] shall provide education in violence prevention and conflict resolution that includes discussion of domestic violence and child abuse issues to all children in its custody.~~

~~Sec. 242.068 [61.048. BUILDINGS AND IMPROVEMENTS. (a) The commission may design, construct, equip, furnish, and maintain buildings and improvements at facilities under its jurisdiction. The commission may employ architects or engineers, or both, to prepare plans and specifications and to supervise the construction and improvements. The commission shall promulgate rules relating to the award of contracts for the construction of buildings and improvements. The rules shall provide for the award of contracts for the construction of buildings and improvements to the qualified bidder making the lowest and best bid. A construction contract may not be awarded for a sum in excess of the amount of funds available for the project. The commission may reject any and all bids submitted.~~

~~[(b) If a project is financed in whole or in part by federal funds, any standards required by the enabling federal statute or required by the rules of the administering federal agency control over this section.~~

~~[(c) The commission may employ professional, technical, and clerical personnel to carry out the design and construction functions required by this section.~~

~~[Sec. 61.050]. FIRE PROTECTION ACTIVITIES. (a) The department [commission] may perform fire protection, fire prevention, and fire suppression activities at department [commission] facilities.~~

~~(b) The department [commission] may prescribe circumstances under which, for the benefit of the public safety and welfare, department [commission] employees using department [commission] equipment may assist municipal or volunteer fire departments in the performance of fire protection, fire prevention, or fire suppression activities near department [commission] facilities.~~

~~Sec. 242.069 [61.051]. CLIENT SERVICE CONTRACT STANDARDS. In each contract for the purchase of residential program-related client services, the department [commission] shall include:~~

(1) clearly defined contract goals, outputs, and measurable outcomes that relate directly to program objectives;

(2) clearly defined sanctions or penalties for failure to comply with or perform contract terms or conditions; and

(3) clearly specified accounting, reporting, and auditing requirements applicable to money received under the contract.

Sec. 242.070 [61.052]. CONTRACT MONITORING. The department [commission] shall establish a formal program to monitor residential program-related client services contracts made by the department [commission]. The department [commission] must:

(1) monitor compliance with financial and performance requirements using a risk assessment methodology; and

(2) obtain and evaluate program cost information to ensure that each cost, including an administrative cost, is reasonable and necessary to achieve program objectives.

~~Sec. 242.071 [61.053]. MEDICAID BENEFITS. The commission shall apply for benefits under the federal Medicaid program if application is cost effective in reducing health care costs incurred by the commission.~~

[Sec. 61.054]. SALE OR LICENSE OF TREATMENT PROGRAMS. (a) The department [commission] may sell or license to an individual or a private or public entity the right to use a treatment program developed by the department [commission].

(b) Proceeds from the sale or license of a treatment program shall be deposited to the credit of the fund that provided the money to finance the development of the treatment program.

(c) At the end of each fiscal year, any unexpended proceeds from the sale or license of a treatment program shall be carried over to the next fiscal year to the credit of the fund that provided the money to finance the development of the treatment program.

SUBCHAPTER C. ABUSE OR CRIMES COMMITTED AT DEPARTMENT FACILITIES OR BY DEPARTMENT EMPLOYEES

Sec. 242.101 [61.055]. ZERO-TOLERANCE POLICY. (a) The department [commission] shall adopt and enforce a zero-tolerance policy concerning the detection, prevention, and punishment of the sexual abuse, including consensual sexual contact, of children in the custody of the department [commission].

(b) The department [commission] shall establish standards for reporting and collecting data on the sexual abuse of children in the custody of the department [commission].

(c) The department [commission] shall establish a procedure for children in the custody of the department [commission] and department [commission] employees to report incidents of sexual abuse involving a child in the custody of the department [commission]. The procedure must designate a person employed at the department [commission] facility in which the abuse is alleged to have occurred as well as a person who is employed at the department's [commission's] headquarters to whom a person may report an incident of sexual abuse.

(d) The department [~~commission~~] shall prominently display the following notice in the office of the chief administrator of each department [~~commission~~] facility, the employees' break room of each department [~~commission~~] facility, the cafeteria of each department [~~commission~~] facility, and at least six additional locations in each department [~~commission~~] facility:

THE TEXAS LEGISLATURE HAS ADOPTED A ZERO-TOLERANCE POLICY REGARDING THE SEXUAL ABUSE, INCLUDING CONSENSUAL SEXUAL CONTACT, OF A CHILD IN THE CUSTODY OF THE DEPARTMENT [COMMISSION]. ANY SUCH VIOLATION MUST BE REPORTED TO

Sec. 242.102. OFFICE OF INSPECTOR GENERAL. (a) The office of inspector general is established at the department under the direction of the board for the purpose of investigating:

(1) crimes committed by department employees, including parole officers employed by or under a contract with the department; and

(2) crimes and delinquent conduct committed at a facility operated by the department, a residential facility operated by another entity under a contract with the department, or any facility in which a child committed to the custody of the department is housed or receives medical or mental health treatment.

(b) The office of inspector general shall prepare and deliver a report concerning the results of any investigation conducted under this section to:

(1) the board;

(2) the executive director;

(3) any applicable advisory board;

(4) the governor;

(5) the lieutenant governor;

(6) the speaker of the house of representatives;

(7) the standing committees of the senate and house of representatives with primary jurisdiction over matters concerning correctional facilities;

(8) the special prosecution unit;

(9) the state auditor; and

(10) any other appropriate state agency responsible for licensing or certifying department employees or facilities.

(c) The report prepared under Subsection (b) must include a summary of the actions performed by the office of inspector general in conducting the investigation, a statement of whether the investigation resulted in a finding that a criminal offense or delinquent conduct occurred, and a description of the finding. The report is public information under Chapter 552, Government Code, only to the extent authorized under that chapter and other law.

(d) The office of inspector general may employ and commission inspectors general as peace officers for the purpose of carrying out the duties described by this section. An inspector general shall have all of the powers and duties given to peace officers under Article 2.13, Code of Criminal Procedure.

(e) Peace officers employed and commissioned under Subsection (d) must:

(1) be certified by the Commission on Law Enforcement Officer Standards and Education under Chapter 1701, Occupations Code; and

(2) complete advanced courses relating to the duties of peace officers employed and commissioned under Subsection (d) as part of any continuing education requirements for the peace officers.

(f) The board shall select a commissioned peace officer as chief inspector general. The chief inspector general:

(1) operates directly under the authority of the board;

(2) is subject to the requirements of this section; and

(3) may only be discharged by the board for cause.

(g) The chief inspector general shall on a quarterly basis prepare and deliver a report concerning the operations of the office of inspector general to:

(1) the board;

(2) the executive director;

(3) any applicable advisory board;

(4) the governor;

(5) the lieutenant governor;

(6) the speaker of the house of representatives;

(7) the standing committees of the senate and house of representatives with primary jurisdiction over correctional facilities;

(8) the state auditor; and

(9) the comptroller.

(h) A report prepared under Subsection (g) is public information under Chapter 552, Government Code, to the extent authorized under that chapter and other law, and the department shall publish the report on the department's Internet website. A report must be both aggregated and disaggregated by individual facility and include information relating to:

(1) the types of investigations conducted by the office of inspector general, such as whether an investigation concerned narcotics or an alleged incident of sexual abuse;

(2) the relationship of a victim to a perpetrator, if applicable; and

(3) the number of investigations conducted concerning suicides, deaths, and hospitalizations of children in the custody of the department.

(i) The office of inspector general shall immediately report to the board, the governor's general counsel, and the state auditor:

(1) any particularly serious or flagrant problem concerning the administration of a department program or operation; or

(2) any interference by the executive director, an employee of the department, a facility described by Subsection (a)(2), or an officer or employee of a facility described by Subsection (a)(2) with an investigation conducted by the office.

Sec. 242.103 [61.0455]. DETECTION AND MONITORING OF CELLULAR TELEPHONES. (a) The department [~~commission~~] may own and the office of the inspector general may possess, install, operate, or monitor an electronic, mechanical, or other device, as defined by Article 18.20, Code of Criminal Procedure.

(b) The inspector general shall designate in writing the commissioned officers of the office of inspector general who are authorized to possess, install, operate, and monitor electronic, mechanical, or other devices for the department [~~commission~~].

(c) An investigative or law enforcement officer or other person, on request of the office of inspector general, may assist the office in the operation and monitoring of an interception of wire, oral, or electronic communications if the investigative or law enforcement officer or other person:

(1) is designated by the executive director [~~commissioner~~] for that purpose; and

(2) acts in the presence and under the direction of a commissioned officer of the inspector general.

CHAPTER 243 [~~SUBCHAPTER D~~]. ADMISSION AND COMMITMENT;
ESCAPE

SUBCHAPTER A. ADMISSION AND COMMITMENT

Sec. 243.001 [~~61.061~~]. PLACEMENT IN DEPARTMENT [~~COMMISSION~~] FACILITIES. (a) The department [~~commission~~] may not assign a child younger than 15 years of age to the same correctional facility dormitory as a person who is at least 17 years of age unless the department [~~commission~~] determines that the placement is necessary to ensure the safety of children in the custody of the department [~~commission~~]. This subsection does not apply to a dormitory that is used exclusively for short-term assessment and orientation purposes.

(b) The board [~~commission~~] by rule shall adopt scheduling, housing, and placement procedures for the purpose of protecting vulnerable children in the custody of the department [~~commission~~]. The procedures must address the age, physical condition, and treatment needs of a child as well as any other relevant factor.

(c) The department [~~commission~~] shall consider the proximity of the residence of a child's family in determining the appropriate department [~~commission~~] facility in which to place a child.

Sec. 243.002 [~~61.062~~]. ESTABLISHMENT OF MINIMUM LENGTH OF STAY. (a) The department [~~commission~~] shall establish a minimum length of stay for each child committed to the department [~~commission~~] without a determinate sentence.

(b) In establishing a minimum length of stay for a child, the department [~~commission~~] shall consider:

- (1) the nature of and seriousness of the conduct engaged in by the child; and
- (2) the danger the child poses to the community.

Sec. 243.003 [~~61.064~~]. CONVEYANCE OF CHILD TO DEPARTMENT [~~COMMISSION~~]. (a) When a child is to be conveyed to a facility designated by the department [~~commission~~], the juvenile court shall assign an officer or other suitable person to accompany the child. The person assigned to accompany a female must be a woman.

(b) The cost of conveying the child shall be paid by the county from which the child is committed, except that [~~However,~~] no compensation shall be allowed other than [~~except~~] for the actual and necessary expenses of the child and the person accompanying the child.

Sec. 243.004 [~~61.065~~]. NOTIFICATION AND DUTY TO FURNISH INFORMATION. (a) When a juvenile court commits a child to the department [~~commission~~], the court shall forward to the department [~~commission~~] a certified copy of the order of commitment.

(b) The court, the probation officer, the prosecuting and police authorities, the school authorities, and other public officials shall make available to the department ~~[commission]~~ all pertinent information in their possession regarding the case.

(c) If requested by the department ~~[commission]~~, the reports required by this section shall be made on forms furnished by the department ~~[commission]~~ or according to an outline furnished by the department ~~[commission]~~.

Sec. 243.005 ~~[61-065]~~. INFORMATION PROVIDED BY COMMITTING COURT. In addition to the information provided under Section 243.004 ~~[61-065]~~, a court that commits a child to the department ~~[commission]~~ shall provide the department ~~[commission]~~ with a copy of the following documents:

- (1) the petition and the adjudication and disposition orders for the child, including the child's thumbprint;
- (2) if the commitment is a result of revocation of probation, a copy of the conditions of probation and the revocation order;
- (3) the social history report for the child;
- (4) any psychological or psychiatric reports concerning the child;
- (5) the contact information sheet for the child's parents or guardian;
- (6) any law enforcement incident reports concerning the offense for which the child is committed;
- (7) any sex offender registration information concerning the child;
- (8) any juvenile probation department progress reports concerning the child;
- (9) any assessment documents concerning the child;
- (10) the computerized referral and case history for the child, including case disposition;
- (11) the child's birth certificate;
- (12) the child's social security number or social security card, if available;
- (13) the name, address, and telephone number of the court administrator in the committing county;
- (14) Title IV-E eligibility screening information for the child, if available;
- (15) the address in the committing county for forwarding funds collected to which the committing county is entitled;
- (16) any of the child's school or immunization records that the committing county possesses;
- (17) any victim information concerning the case for which the child is committed; and
- (18) any of the child's pertinent medical records that the committing court possesses.

Sec. 243.006 ~~[61-066]~~. COMMITMENT RECORDS. A commitment to the department ~~[commission]~~ may not be received in evidence or used in any way in any proceedings in any court except in:

- (1) subsequent proceedings under Title 3 of the Family Code against the same child;
 - (2) imposing sentence in any criminal proceedings against the same person;
- or
- (3) subsequent civil commitment proceedings under Chapter 841, Health and Safety Code, regarding the same person.

Sec. 243.007 [64-067]. INFORMATION PROVIDED TO COMMITTING COURT. (a) If a court that commits a child to the department [commission] requests, in the commitment order, that the department [commission] keep the court informed of the progress the child is making while committed to the department [commission], the department [commission] shall provide the court with periodic updates on the child's progress.

(b) A report provided under Subsection (a) may include any information the department [commission] determines to be relevant in evaluating the child's progress, including, as applicable, information concerning the child's treatment, education, and health.

(c) A report provided under this section may not include information that is protected from disclosure under state or federal law.

SUBCHAPTER B. ESCAPE AND VIOLATION OF RELEASE CONDITIONS

Sec. 243.051. APPREHENSION AFTER ESCAPE OR VIOLATION OF RELEASE CONDITIONS. (a) If a child who has been committed to the department and placed by the department in any institution or facility has escaped or has been released under supervision and broken the conditions of release:

(1) a sheriff, deputy sheriff, constable, or police officer may, without a warrant, arrest the child; or

(2) a department employee designated by the executive director may, without a warrant or other order, take the child into the custody of the department.

(b) A child who is arrested or taken into custody under Subsection (a) may be detained in any suitable place, including an adult jail facility if the person is 17 years of age or older, until the child is returned to the custody of the department or transported to a department facility.

(c) Notwithstanding Section 58.005, Family Code, the department may disseminate to the public the following information relating to a child who has escaped from custody:

(1) the child's name, including other names by which the child is known;

(2) the child's physical description, including sex, weight, height, race, ethnicity, eye color, hair color, scars, marks, and tattoos;

(3) a photograph of the child; and

(4) if necessary to protect the welfare of the community, any other information that reveals dangerous propensities of the child or expedites the apprehension of the child.

Sec. 243.052. APPREHENSION SPECIALISTS. (a) The department may employ and commission apprehension specialists as peace officers for the purpose of apprehending a child under Section 243.051.

(b) Peace officers employed and commissioned under Subsection (a) must be certified by the Texas Commission on Law Enforcement Officer Standards and Education under Chapter 1701, Occupations Code.

CHAPTER 244 [SUBCHAPTER E]. CARE AND TREATMENT OF CHILDREN
SUBCHAPTER A. GENERAL CARE AND TREATMENT OF CHILDREN

Sec. 244.001 [61.071]. INITIAL EXAMINATION. (a) The department [commission] shall examine and make a study of each child committed to it as soon as possible after commitment. The study shall be made according to rules established by the board [commission] and shall include:

- (1) long-term planning for the child; and
- (2) consideration of the child's medical, substance abuse, and treatment history, including the child's psychiatric history and substance abuse history.

(b) For a child for whom a minimum length of stay is established under Section 243.002 [61.062] of one year or longer, the initial examination must include a comprehensive psychiatric evaluation unless the department has received the results of a comprehensive psychiatric evaluation of the child conducted not more than 90 days before the date of the initial examination.

(c) The department [commission] shall administer comprehensive psychological assessments to a child as part of the child's initial examination, including assessments designed to identify whether a child is in need of a psychiatric evaluation. If the results of a child's psychological assessments indicate that the child is in need of a psychiatric evaluation, the department [commission] shall as soon as practicable conduct a psychiatric evaluation of the child.

Sec. 244.002 [61.071]. HEALTH CARE DELIVERY SYSTEM. (a) ~~In providing medical care, behavioral health care, or rehabilitation services, the commission shall integrate the provision of those services in an integrated comprehensive delivery system.~~

~~(b) The delivery system may be used to deliver any medical, behavioral health, or rehabilitation services provided to a child in the custody of the commission, including:~~

- ~~(1) health care;~~
- ~~(2) dental care;~~
- ~~(3) behavioral health care;~~
- ~~(4) substance abuse treatment;~~
- ~~(5) nutrition;~~
- ~~(6) programming;~~
- ~~(7) case management; and~~
- ~~(8) general rehabilitation services, including educational, spiritual, daily living, recreational, and security services.~~

[Sec. 61.072]. REEXAMINATION. (a) The department [commission] shall periodically reexamine each child under its control, except those on release under supervision or in foster homes, for the purpose of determining whether a rehabilitation plan made by the department [commission] concerning the child should be modified or continued.

(b) The reexamination [examination] must include a study of all current circumstances of a child's personal and family situation and an evaluation of the progress made by the child since the child's last examination.

(c) The reexamination [~~examination~~] of a child may be made as frequently as the department [~~commission~~] considers necessary, but shall be made at intervals not exceeding six months.

Sec. 244.003 [~~61.073~~]. RECORDS OF EXAMINATIONS AND TREATMENT. (a) The department [~~commission~~] shall keep written records of all examinations and conclusions based on them and of all orders concerning the disposition or treatment of each child subject to its control.

(b) Except as provided by Section 243.051(c) [~~61.093(e)~~], these records and all other information concerning a child, including personally identifiable information, are not public and are available only according to the provisions of Section 58.005, Family Code, Section 244.051 [~~61.0731, Human Resources Code~~], and Chapter 61, Code of Criminal Procedure.

Sec. 244.004 [~~61.0731. INFORMATION AVAILABLE TO CHILDREN, PARENTS, AND OTHERS.~~] (a) In the interest of achieving the purpose of the commission and protecting the public, the commission may disclose records and other information concerning a child to the child and the child's parent or guardian only if disclosure would not materially harm the treatment and rehabilitation of the child and would not substantially decrease the likelihood of the commission receiving information from the same or similar sources in the future. Information concerning a person who is age 18 or older may not be disclosed to the person's parent or guardian without the person's consent.

(b) The commission may disclose information regarding a child's location and committing court to a person having a legitimate need for the information.

(c) The commission may disclose to a peace officer or law enforcement agency images of children recorded by an electronic recording device and incident reporting and investigation documents containing the names of children if the information is relevant to the investigation of a criminal offense alleged to have occurred in a facility operated by or under contract with the commission.

(d) Notwithstanding Subsection (a), if the Department of Family and Protective Services has been appointed managing conservator for a child, the commission shall disclose records and other information concerning the child to the department as provided by department rules.

[Sec. 61.074]. FAILURE TO EXAMINE OR REEXAMINE. (a) Failure of the department [~~commission~~] to examine or reexamine a child as required by this subchapter [~~chapter~~] does not entitle the child to be discharged from the control of the department [~~commission~~], but the child may petition the committing court for discharge.

(b) After due notice to the department [~~commission~~], the committing court shall discharge the child from the control of the department [~~commission~~] unless the department [~~commission~~] satisfies the court that further control is necessary.

Sec. 244.005 [~~61.075~~]. DETERMINATION OF TREATMENT. When a child has been committed to the department [~~commission~~], the department [~~commission~~] may:

(1) permit the child liberty under supervision and on conditions the department [~~it~~] believes conducive to acceptable behavior;

(2) order the child's confinement under conditions the department [#] believes best designed for the child's welfare and the interests of the public;

(3) order reconfinement or renewed release as often as conditions indicate to be desirable;

(4) revoke or modify any order of the department [~~commission~~] affecting a child, except an order of final discharge, as often as conditions indicate; or

(5) discharge the child from control when the department [#] is satisfied that discharge will best serve the child's welfare and the protection of the public.

Sec. 244.006 [~~61.0751. SUBPOENAS.~~] (a) ~~A hearings examiner appointed by the commission may issue a subpoena requiring the attendance of a witness or the production of any record, book, paper, or document the hearings examiner considers necessary for a determination of treatment under Section 61.075.~~

~~[(b) The hearings examiner may sign a subpoena and administer an oath.~~

~~[(c) A peace officer, apprehension specialist, parole officer, or other commission official may serve the subpoena in the same manner as similar process in a court of record having original jurisdiction of criminal actions is served.~~

~~[(d) A person who testifies falsely, fails to appear when subpoenaed, or fails or refuses to produce material under the subpoena is subject to the same orders and penalties to which a person taking those actions before a court is subject.~~

~~[(e) On application of the commission, a court of record having original jurisdiction of criminal actions may compel the attendance of a witness, the production of material, or the giving of testimony before the hearings examiner, by an attachment for contempt or in the same manner as the court may otherwise compel the production of evidence.~~

[Sec. 61.076]. TYPE OF TREATMENT PERMITTED. (a) As a means of correcting the socially harmful tendencies of a child committed to the department [#], the department [~~commission~~] may:

(1) require the child to participate in moral, academic, vocational, physical, and correctional training and activities;

(2) require the modes of life and conduct that seem best adapted to fit the child for return to full liberty without danger to the public;

(3) provide any medical or psychiatric treatment that is necessary; and

(4) place physically fit children in parks-maintenance camps, forestry camps, or ranches owned by the state or the United States and require the performance of suitable conservation and maintenance work.

(b) The dominant purpose of placing children in camps is to benefit and rehabilitate the children rather than to make the camps self-sustaining. Children placed in camps may not be exploited.

Sec. 244.007 [~~61.0761~~]. FAMILY PROGRAMS. The department [~~commission~~] shall develop programs that encourage family involvement in the rehabilitation of the child.

Sec. 244.0075 [~~61.07614~~]. RESTRAINT OF PREGNANT JUVENILE. (a) The department [~~commission~~] may not use restraints to control the movement of a pregnant child who is committed to the department [~~commission~~] at any time during

which the child is in labor or delivery or recovering from delivery, unless the executive director or executive director's designee determines that the use of restraints is necessary to:

(1) ensure the safety and security of the child or her infant, department [commission] or medical personnel, or any member of the public; or

(2) prevent a substantial risk that the child will attempt escape.

(b) If a determination to use restraints is made under Subsection (a), the type of restraint used and the manner in which the restraint is used must be the least restrictive available under the circumstances to ensure safety and security or to prevent escape.

Sec. 244.008 [61.0762]. INFANT CARE AND PARENTING PROGRAM. (a) In this section, "child" means the child of a person who is committed to the department [commission].

(b) The department [commission] may establish child care and parenting programs for persons committed to the department [commission] who are parents.

(c) The department [commission] may permit a mother to have possession of her child in a residential program that has an infant care and parenting program or to have possession of her child in a department-funded [commission-funded] independent living residence for up to six months if:

(1) the child's father or another relative or guardian of the child agrees in advance of the child's placement with the child's mother to assume possession of the child immediately upon notice by the department [commission] to do so;

(2) the child's parents and any other person having a duty of support acknowledge that by permitting the mother to have possession of the child while the mother is confined in a residential facility or placed in an independent living residence, the department [commission] assumes no responsibility for the child's care beyond the responsibility of care that is ordinarily due the child's mother and the reasonable accommodations that are necessary for the mother's care of her child;

(3) the child's parents and any other person having a duty of support agree to indemnify and hold the department [commission] harmless from any claims that may be made against the department [commission] for the child's support, including medical support; and

(4) the department [commission] determines that the placement is in the best interest of both the mother and her child.

Sec. 244.009. HEALTH CARE DELIVERY SYSTEM. (a) In providing medical care, behavioral health care, or rehabilitation services, the department shall integrate the provision of those services in an integrated comprehensive delivery system.

(b) The delivery system may be used to deliver any medical, behavioral health, or rehabilitation services provided to a child in the custody of the department, including:

(1) health care;

(2) dental care;

(3) behavioral health care;

(4) substance abuse treatment;

(5) nutrition;

(6) programming;

(7) case management; and

(8) general rehabilitation services, including educational, spiritual, daily living, recreational, and security services.

Sec. 244.010 [61.0763. RIGHTS OF PARENTS. (a) The commission, in consultation with advocacy and support groups such as those described in Section 61.0386(a), shall develop a parent's bill of rights for distribution to the parent or guardian of a child who is under 18 years of age and committed to the commission. The parent's bill of rights must include:

[(1) a description of the commission's grievance policies and procedures, including contact information for the office of inspector general and the office of the independent ombudsman established under Chapter 64;

[(2) a list of possible incidents that require parental notification;

[(3) policies concerning visits and telephone conversations with a child committed to the commission;

[(4) a description of commission caseworker responsibilities;

[(5) a statement that the commission caseworker assigned to a child may assist the child's parent or guardian in obtaining information and services from the commission and other resources concerning:

[(A) counseling, including substance abuse and mental health counseling;

[(B) assistance programs, including financial and travel assistance programs for visiting a child committed to the commission;

[(C) workforce preparedness programs;

[(D) parenting programs; and

[(E) commission seminars; and

[(6) information concerning the indeterminate sentencing structure at the commission, an explanation of reasons that a child's commitment at the commission could be extended, and an explanation of the review process under Sections 61.0815 and 61.0816 for a child committed to the commission without a determinate sentence.

[(b) Not later than 48 hours after the time a child is admitted to a commission facility, the commission shall mail to the child's parent or guardian at the last known address of the parent or guardian:

[(1) the parent's bill of rights; and

[(2) the contact information of the commission caseworker assigned to the child.

[(c) The commission shall on a quarterly basis provide to the parent, guardian, or designated advocate of a child who is in the custody of the commission a report concerning the progress of the child at the commission, including:

[(1) the academic and behavioral progress of the child; and

[(2) the results of any reexamination of the child conducted under Section 61.072.

[(d) The commission shall ensure that written information provided to a parent or guardian regarding the rights of a child in the custody of the commission or the rights of a child's parent or guardian, including the parent's bill of rights, is clear and easy to understand.

~~[(c) The commission shall ensure that if the Department of Family and Protective Services has been appointed managing conservator of a child, the department is given the same rights as the child's parent under the parent's bill of rights developed under this section.~~

~~[Sec. 61.0764]. DEPARTMENT [COMMISSION] CASEWORKERS. (a) The department [commission] shall assign a caseworker to a child committed to the department [commission]. A department [commission] caseworker shall:~~

~~(1) explore family issues and needs with the parent or guardian of a child committed to the department [commission];~~

~~(2) as needed, provide the parent or guardian of a child committed to the department [commission] with information concerning programs and services provided by the department [commission] or another resource; and~~

~~(3) perform other duties required by the department [commission].~~

~~(b) A department [commission] caseworker shall:~~

~~(1) at least once a month, attempt to contact the child's parent or guardian by phone, in person while the parent or guardian is visiting the facility, or, if necessary, by mail;~~

~~(2) if unsuccessful in contacting the child's parent or guardian under Subdivision (1), attempt at least one additional time each month to contact the child's parent or guardian; and~~

~~(3) document successful as well as unsuccessful attempts to contact the child's parent or guardian.~~

~~(c) To the extent practicable, a caseworker or another facility administrator shall attempt to communicate with a parent or guardian who does not speak English in the language of choice of the parent or guardian.~~

~~[Sec. 61.0765. REPORTING CONCERNING RESEARCH PROGRAMS OR STUDIES. (a) The commission shall keep records relating to children committed to it that participate in research programs or studies.~~

~~[(b) The records must show, for each calendar quarter and for each calendar year:~~

~~[(1) the number of children participating in research programs or studies for the appropriate reporting period;~~

~~[(2) the type of research program or study in which each child is participating;~~

~~[(3) the name of the principal investigator conducting the research program or study; and~~

~~[(4) the entity sponsoring the research program or study.~~

~~[(c) The commission shall submit a report that contains the information in the records kept under Subsection (b) on or before the 15th day after the last day of the appropriate reporting period to the:~~

~~[(1) governor;~~

~~[(2) lieutenant governor;~~

~~[(3) speaker of the house of representatives; and~~

~~[(4) members of the legislature.~~

~~[(d) A report submitted under this section is public information under Chapter 552, Government Code.]~~

Sec. 244.0105 [61-0766]. REPORT CONCERNING FOSTER CHILDREN COMMITTED TO DEPARTMENT [COMMISSION]. (a) Not later than the 10th day before the date of a permanency hearing under Subchapter D, Chapter 263, Family Code, or a placement review hearing under Subchapter F, Chapter 263, Family Code, regarding a child for whom the Department of Family and Protective Services has been appointed managing conservator, a department [commission] caseworker shall submit a written report regarding the child's commitment to the department [commission] to:

- (1) the court;
- (2) the Department of Family and Protective Services;
- (3) any attorney ad litem or guardian ad litem appointed for the child; and
- (4) any volunteer advocate appointed for the child.

(b) The report required by Subsection (a) must include:

(1) the results of any assessments of the child during the child's commitment to the department [commission], including assessments of the child's emotional, mental, educational, psychological, psychiatric, medical, or physical needs;

(2) information regarding the child's placement in particular programs administered by the department [commission]; and

(3) a description of the child's progress in programs administered by the department [commission].

Sec. 244.0106 [61-0767]. RULES REGARDING SERVICES FOR FOSTER CHILDREN. (a) The board [commission] and the executive commissioner of the Health and Human Services Commission shall jointly adopt rules to ensure that a child for whom the Department of Family and Protective Services has been appointed managing conservator receives appropriate services while the child is committed to the department [commission] or released under supervision by the department [commission].

(b) The rules adopted under this section must require the department [commission] and the Department of Family and Protective Services to cooperate in providing appropriate services to a child for whom the Department of Family and Protective Services has been appointed managing conservator while the child is committed to the department [commission] or released under supervision by the department [commission], including:

- (1) medical care, as defined by Section 266.001, Family Code;
- (2) mental health treatment and counseling;
- (3) education, including special education;
- (4) case management;
- (5) drug and alcohol abuse assessment or treatment;
- (6) sex offender treatment; and
- (7) trauma informed care.

(c) The rules adopted under this section must require:

(1) the Department of Family and Protective Services to:

(A) provide the department [commission] with access to relevant health and education information regarding a child; and

(B) require a child's caseworker to visit the child in person at least once each month while the child is committed to the department [commission];

(2) the department [commission] to:

(A) provide the Department of Family and Protective Services with relevant health and education information regarding a child;

(B) permit communication, including in person, by telephone, and by mail, between a child committed to the department [commission] and:

(i) the Department of Family and Protective Services; and

(ii) the attorney ad litem, the guardian ad litem, and the volunteer advocate for the child; and

(C) provide the Department of Family and Protective Services and any attorney ad litem or guardian ad litem for the child with timely notice of the following events relating to the child:

(i) a meeting designed to develop or revise the individual case plan for the child;

(ii) in accordance with any participation protocols to which the Department of Family and Protective Services and the department [commission] agree, a medical appointment at which a person authorized to consent to medical care must participate as required by Section 266.004(i), Family Code;

(iii) an education meeting, including admission, review, or dismissal meetings for a child receiving special education;

(iv) a grievance or disciplinary hearing for the child;

(v) a report of abuse or neglect of the child; and

(vi) a significant medical condition of the child, as defined by Section 266.005, Family Code; and

(3) the Department of Family and Protective Services and the department [commission] to participate in transition planning for the child through release from detention, release under supervision, and discharge.

Sec. 244.011 [61-077]. CHILDREN WITH MENTAL ILLNESS OR MENTAL RETARDATION. (a) The department [commission] shall accept a child committed to the department [commission] who is mentally ill or mentally retarded.

(b) Unless a child is committed to the department [commission] under a determinate sentence under Section 54.04(d)(3), 54.04(m), or 54.05(f), Family Code, the department [commission] shall discharge a child who is mentally ill or mentally retarded from its custody if:

(1) the child has completed the minimum length of stay for the child's committing offense; and

(2) the department [commission] determines that the child is unable to progress in the department's [commission's] rehabilitation programs because of the child's mental illness or mental retardation.

(c) If a child who is discharged from the department [commission] under Subsection (b) as a result of mental illness is not receiving court-ordered mental health services, the child's discharge is effective on the earlier of:

(1) the date the court enters an order regarding an application for mental health services filed under Section 244.012(b) [61-0772(b)]; or

(2) the 30th day after the date the application is filed.

(d) If a child who is discharged from the department [~~commission~~] under Subsection (b) as a result of mental illness is receiving court-ordered mental health services, the child's discharge from the department [~~commission~~] is effective immediately. If the child is receiving mental health services outside the child's home county, the department [~~commission~~] shall notify the mental health authority located in that county of the discharge not later than the 30th day after the date that the child's discharge is effective.

(e) If a child who is discharged from the department [~~commission~~] under Subsection (b) as a result of mental retardation is not receiving mental retardation services, the child's discharge is effective on the earlier of:

(1) the date the court enters an order regarding an application for mental retardation services filed under Section 244.012(b) [~~61.0772(e)~~]; or

(2) the 30th day after the date that the application is filed.

(f) If a child who is discharged from the department [~~commission~~] under Subsection (b) as a result of mental retardation is receiving mental retardation services, the child's discharge from the department [~~commission~~] is effective immediately.

(g) If a child who is mentally ill or mentally retarded is discharged from the department [~~commission~~] under Subsection (b), the child is eligible to receive continuity of care services from the Texas Correctional Office on Offenders with Medical or Mental Impairments under Chapter 614, Health and Safety Code.

Sec. 244.012 [~~61.0772~~]. EXAMINATION BEFORE DISCHARGE. (a) The department [~~commission~~] shall establish a system that identifies children in the department's [~~commission's~~] custody who are mentally ill or mentally retarded.

(b) Before a child who is identified as mentally ill is discharged from the department's [~~commission's~~] custody under Section 244.011(b) [~~61.077(b)~~], a department [~~commission~~] psychiatrist shall examine the child. The department [~~commission~~] shall refer a child requiring outpatient psychiatric treatment to the appropriate mental health authority. For a child requiring inpatient psychiatric treatment, the department [~~commission~~] shall file a sworn application for court-ordered mental health services, as provided in Subchapter C, Chapter 574, Health and Safety Code, if:

(1) the child is not receiving court-ordered mental health services; and

(2) the psychiatrist who examined the child determines that the child is mentally ill and the child meets at least one of the criteria listed in Section 574.034, Health and Safety Code.

(c) Before a child who is identified as mentally retarded under Chapter 593, Health and Safety Code, is discharged from the department's [~~commission's~~] custody under Section 244.011(b) [~~61.077(b)~~], the department [~~commission~~] shall refer the child for mental retardation services if the child is not receiving mental retardation services.

Sec. 244.0125 [~~61.0773~~]. TRANSFER OF CERTAIN CHILDREN SERVING DETERMINATE SENTENCES FOR MENTAL HEALTH SERVICES. (a) The department [~~commission~~] may petition the juvenile court that entered the order of

commitment for a child for the initiation of mental health commitment proceedings if the child is committed to the department [~~commission~~] under a determinate sentence under Section 54.04(d)(3), 54.04(m), or 54.05(f), Family Code.

(b) A petition made by the department [~~commission~~] shall be treated as a motion under Section 55.11, Family Code, and the juvenile court shall proceed in accordance with Subchapter B, Chapter 55, Family Code.

(c) The department [~~commission~~] shall cooperate with the juvenile court in any proceeding under this section.

(d) The juvenile court shall credit to the term of the child's commitment to the department [~~commission~~] any time the child is committed to an inpatient mental health facility.

(e) A child committed to an inpatient mental health facility as a result of a petition filed under this section may not be released from the facility on a pass or furlough.

(f) If the term of an order committing a child to an inpatient mental health facility is scheduled to expire before the end of the child's sentence and another order committing the child to an inpatient mental health facility is not scheduled to be entered, the inpatient mental health facility shall notify the juvenile court that entered the order of commitment committing the child to the department [~~commission~~]. The juvenile court may transfer the child to the custody of the department [~~commission~~], transfer the child to the Texas Department of Criminal Justice, or release the child under supervision, as appropriate.

Sec. 244.013 [~~61-078~~]. NOTICE OF PENDING DISCHARGE. As soon as practicable after the department [~~commission~~] makes a decision to discharge a child or authorize the child's absence from the department's [~~its~~] custody, the department [~~commission~~] shall give notice of the department's [~~its~~] decision to the juvenile court and the office of the prosecuting attorney of the county in which the adjudication that the child engaged in delinquent conduct was made.

Sec. 244.014 [~~61-079~~]. REFERRAL OF VIOLENT AND HABITUAL OFFENDERS FOR TRANSFER. (a) After a child sentenced to commitment under Section 54.04(d)(3), 54.04(m), or 54.05(f), Family Code, becomes 16 years of age but before the child becomes 19 years of age, the department [~~commission~~] may refer the child to the juvenile court that entered the order of commitment for approval of the child's transfer to the Texas Department of Criminal Justice for confinement if:

(1) the child has not completed the sentence; and

(2) the child's conduct, regardless of whether the child was released under supervision under Section 245.051 [~~61-081~~], indicates that the welfare of the community requires the transfer.

(b) The department [~~commission~~] shall cooperate with the court on any proceeding on the transfer of the child.

(c) If a child is released under supervision, a juvenile court adjudication that the child engaged in delinquent conduct constituting a felony offense, a criminal court conviction of the child for a felony offense, or a determination under Section 244.005(4) [~~61-075(4)~~] revoking the child's release under supervision is required before referral of the child to the juvenile court under Subsection (a).

Sec. 244.015 [61-0794]. EVALUATION OF CERTAIN CHILDREN SERVING DETERMINATE SENTENCES. (a) When a child who is sentenced to commitment under Section 54.04(d)(3), 54.04(m), or 54.05(f), Family Code, becomes 18 years of age, the department [commission] shall evaluate whether the child is in need of additional services that can be completed in the six-month period after the child's 18th birthday to prepare the child for release from the custody of the department [commission] or transfer to the Texas Department of Criminal Justice.

(b) This section does not apply to a child who is released from the custody of the department [commission] or who is transferred to the Texas Department of Criminal Justice before the child's 18th birthday.

SUBCHAPTER B. PROVISION OF CERTAIN INFORMATION; RIGHTS OF PARENTS

Sec. 244.051. INFORMATION AVAILABLE TO CHILDREN, PARENTS, AND OTHERS. (a) In the interest of achieving the purpose of the department and protecting the public, the department may disclose records and other information concerning a child to the child and the child's parent or guardian only if disclosure would not materially harm the treatment and rehabilitation of the child and would not substantially decrease the likelihood of the department receiving information from the same or similar sources in the future. Information concerning a person who is age 18 or older may not be disclosed to the person's parent or guardian without the person's consent.

(b) The department may disclose information regarding a child's location and committing court to a person having a legitimate need for the information.

(c) The department may disclose to a peace officer or law enforcement agency images of children recorded by an electronic recording device and incident reporting and investigation documents containing the names of children if the information is relevant to the investigation of a criminal offense alleged to have occurred in a facility operated by or under contract with the department.

(d) Notwithstanding Subsection (a), if the Department of Family and Protective Services has been appointed managing conservator for a child, the department shall disclose records and other information concerning the child to the Department of Family and Protective Services as provided by the rules of the Department of Family and Protective Services.

Sec. 244.052. RIGHTS OF PARENTS. (a) The department, in consultation with advocacy and support groups such as those described in Section 242.056(a), shall develop a parent's bill of rights for distribution to the parent or guardian of a child who is under 18 years of age and committed to the department. The parent's bill of rights must include:

(1) a description of the department's grievance policies and procedures, including contact information for the office of inspector general and the office of the independent ombudsman established under Chapter 261;

(2) a list of possible incidents that require parental notification;

(3) policies concerning visits and telephone conversations with a child committed to the department;

(4) a description of department caseworker responsibilities;

(5) a statement that the department caseworker assigned to a child may assist the child's parent or guardian in obtaining information and services from the department and other resources concerning:

(A) counseling, including substance abuse and mental health counseling;

(B) assistance programs, including financial and travel assistance programs for visiting a child committed to the department;

(C) workforce preparedness programs;

(D) parenting programs; and

(E) department seminars; and

(6) information concerning the indeterminate sentencing structure at the department, an explanation of reasons that a child's commitment at the department could be extended, and an explanation of the review process under Sections 245.101 and 245.104 for a child committed to the department without a determinate sentence.

(b) Not later than 48 hours after the time a child is admitted to a department facility, the department shall mail to the child's parent or guardian at the last known address of the parent or guardian:

(1) the parent's bill of rights; and

(2) the contact information of the department caseworker assigned to the child.

(c) The department shall on a quarterly basis provide to the parent, guardian, or designated advocate of a child who is in the custody of the department a report concerning the progress of the child at the department, including:

(1) the academic and behavioral progress of the child; and

(2) the results of any reexamination of the child conducted under Section 244.002.

(d) The department shall ensure that written information provided to a parent or guardian regarding the rights of a child in the custody of the department or the rights of a child's parent or guardian, including the parent's bill of rights, is clear and easy to understand.

(e) The department shall ensure that if the Department of Family and Protective Services has been appointed managing conservator of a child, the Department of Family and Protective Services is given the same rights as the child's parent under the parent's bill of rights developed under this section.

CHAPTER 245 [SUBCHAPTER F]. RELEASE

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 245.001. PAROLE OFFICERS; PAROLE MANAGEMENT. (a) The department may employ parole officers to investigate, place, supervise, and direct the activities of a parolee to ensure the parolee's adjustment to society in accordance with the rules adopted by the board.

(b) Parole officers may work with local organizations, clubs, and agencies to formulate plans and procedures for the prevention of juvenile delinquency.

(c) The department shall develop a management system for parole services that objectively measures and provides for:

(1) the systematic examination of children's needs and the development of treatment plans to address those needs;

(2) the evaluation of homes, foster homes, and public and private institutions as constructive parole placements;

(3) the classification of children based on the level of children's needs and the degree of risk presented to the public;

(4) the objective measurement of parole officer workloads; and

(5) the gathering and analysis of information related to the effectiveness of parole services and to future parole requirements.

Sec. 245.002. CONTRACTS WITH COUNTIES. (a) The department may make a contract with a county to use the services of the county's juvenile probation department for the supervision of children within the county who are on furlough from a department facility or who are released under supervision from a department facility.

(b) Payments under a contract described by Subsection (a) shall be made to the county treasurer on a quarterly schedule.

(c) The department may not pay a county for supervision of a child for any time after the child:

(1) is discharged from the department's custody;

(2) is returned to a department facility; or

(3) transfers the child's residence to another county or state.

(d) A county that has a contract with the department must report to the department on the status and progress of each child for whom the county is receiving payments. The reports shall be made at the time and in the manner specified by the contract.

SUBCHAPTER B. AUTHORITY TO RELEASE; RESUMPTION OF CARE

Sec. 245.051 [61-081]. RELEASE UNDER SUPERVISION. (a) The department [commission] may release under supervision any child in the department's [its] custody and place the child in the child's [his or her] home or in any situation or family approved by the department [commission]. Prior to placing a child in the child's [his or her] home, the department [commission] shall evaluate the home setting to determine the level of supervision and quality of care that is available in the home.

(b) [Subject to legislative appropriation, the commission may employ parole officers to investigate, place, supervise, and direct the activities of a parolee to ensure the parolee's adjustment to society in accordance with the rules adopted by the commission.

[c] Parole officers may work with local organizations, clubs, and agencies to formulate plans and procedures for the prevention of juvenile delinquency.

[d] The commission may resume the care and custody of any child released under supervision at any time before the final discharge of the child.

[e] Not later than 10 days before the day the department [commission] releases a child under this section, the department [commission] shall give notice of the release to the juvenile court and the office of the prosecuting attorney of the county in which the adjudication that the child engaged in delinquent conduct was made.

(c) ~~(f)~~ If a child is committed to the department ~~[commission]~~ under a determinate sentence under Section 54.04(d)(3), Section 54.04(m), or Section 54.05(f), Family Code, the department ~~[commission]~~ may not release the child under supervision without approval of the juvenile court that entered the order of commitment unless the child has served at least:

(1) 10 years, if the child was sentenced to commitment for conduct constituting capital murder;

(2) 3 years, if the child was sentenced to commitment for conduct constituting an aggravated controlled substance felony or a felony of the first degree;

(3) 2 years, if the child was sentenced to commitment for conduct constituting a felony of the second degree; or

(4) 1 year, if the child was sentenced to commitment for conduct constituting a felony of the third degree.

(d) ~~(g)~~ The department ~~[commission]~~ may request the approval of the court under this section at any time.

(e) The department may resume the care and custody of any child released under supervision at any time before the final discharge of the child.

(f) ~~(h)~~ If the department ~~[commission]~~ finds that a child has violated an order under which the child is released under supervision, on notice by any reasonable method to all persons affected, the department ~~[commission]~~ may order the child:

(1) to return to an institution;

(2) if the violation resulted in property damage or personal injury:

(A) to make full or partial restitution to the victim of the offense; or

(B) if the child is financially unable to make full or partial restitution, to perform services for a charitable or educational institution; or

(3) to comply with any other conditions the department ~~[commission]~~ considers appropriate.

(g) ~~(i)~~ Notwithstanding Subsection (c) ~~(f)~~, if a child is committed to the department ~~[commission]~~ under a determinate sentence under Section 54.04(d)(3), Section 54.04(m), or Section 54.05(f), Family Code, the department ~~[commission]~~ may release the child under supervision without approval of the juvenile court that entered the order of commitment if not more than nine months remain before the child's discharge under Section 245.151(b) ~~[61.084(b)]~~.

Sec. 245.052 ~~[61.0811. PAROLE MANAGEMENT. The commission shall develop a management system for parole services that objectively measures and provides for:~~

~~(1) the systematic examination of children's needs and the development of treatment plans to address those needs;~~

~~(2) the evaluation of homes, foster homes, and public and private institutions as constructive parole placements;~~

~~(3) the classification of children based on the level of children's needs and the degree of risk presented to the public;~~

~~(4) the objective measurement of parole officer workloads; and~~

~~(5) the gathering and analysis of information related to the effectiveness of parole services and to future parole requirements.~~

[~~Sec. 61.0812~~]. SUBSTANCE ABUSE TREATMENT [~~FOR SUBSTANCE ABUSE~~]. Subject to an express appropriation to fund the treatment programs required by this section, the department [~~commission~~] may not release a child under supervision or parole a child if:

- (1) the child has a substance abuse problem, including the use of a controlled substance, hazardous inhalable substances, or alcohol habitually; and
- (2) the child has not completed a treatment program for the problem.

Sec. 245.053 [~~61-0813~~]. SEX OFFENDER COUNSELING AND TREATMENT. (a) Before releasing a child described by Subsection (b) under supervision, the department [~~commission~~]:

- (1) may require as a condition of release that the child:

- (A) attend psychological counseling sessions for sex offenders as provided by Subsection (e); and
- (B) submit to a polygraph examination as provided by Subsection (f) for purposes of evaluating the child's treatment progress; and

- (2) shall require as a condition of release that the child:

- (A) register under Chapter 62, Code of Criminal Procedure; and
- (B) submit a blood sample or other specimen to the Department of Public Safety under Subchapter G, Chapter 411, Government Code, for the purpose of creating a DNA record of the child, unless the child has already submitted the required specimen under other state law.

(b) This section applies to a child adjudicated for engaging in delinquent conduct constituting an offense for which the child is required to register as a sex offender under Chapter 62, Code of Criminal Procedure.

(c) Psychological counseling required as a condition of release under Subsection (a) must be with an individual or organization that:

- (1) provides sex offender treatment or counseling;
- (2) is specified by the department [~~commission~~]; and
- (3) meets minimum standards of counseling established by the department [~~commission~~].

(d) A polygraph examination required as a condition of release under Subsection (a) must be administered by an individual who is:

- (1) specified by the department [~~commission~~]; and
- (2) licensed as a polygraph examiner under Chapter 1703, Occupations Code.

(e) In addition to specifying a sex offender treatment provider to provide counseling to a child described by Subsection (b), the department [~~commission~~] shall:

- (1) establish with the cooperation of the treatment provider the date, time, and place of the first counseling session between the child and the treatment provider;
- (2) notify the child and the treatment provider before the release of the child of the date, time, and place of the first counseling session between the child and the treatment provider; and

- (3) require the treatment provider to notify the department [~~commission~~] immediately if the child fails to attend any scheduled counseling session.

(f) If the department [~~commission~~] specifies a polygraph examiner under Subsection (d) to administer a polygraph examination to a child, the department [~~commission~~] shall arrange for a polygraph examination to be administered to the child:

(1) not later than the 60th day after the date the child attends the first counseling session established under Subsection (e); and

(2) after the initial polygraph examination, as required by Subdivision (1), on the request of the treatment provider specified under Subsection (c).

(g) If the department [~~commission~~] requires as a condition of release that a child attend psychological counseling under Subsection (a), the department [~~commission~~] shall notify the court that committed the child to the department [~~commission~~]. After receiving notification from the department [~~commission~~] under this subsection, the court may order the parent or guardian of the child to:

(1) attend four sessions of instruction with an individual or organization specified by the department [~~commission~~] relating to:

- (A) sexual offenses;
- (B) family communication skills;
- (C) sex offender treatment;
- (D) victims' rights;
- (E) parental supervision; and
- (F) appropriate sexual behavior; and

(2) during the time the child attends psychological counseling, participate in monthly treatment groups conducted by the child's treatment provider relating to the child's psychological counseling.

(h) A court that orders a parent or guardian of a child to attend instructional sessions and participate in treatment groups under Subsection (g) shall require:

(1) the individual or organization specified by the department [~~commission~~] under Subsection (g) to notify the court immediately if the parent or guardian fails to attend any scheduled instructional session; and

(2) the child's treatment provider specified under Subsection (c) to notify the court immediately if the parent or guardian fails to attend a session in which the parent or guardian is required to participate in a scheduled treatment group.

(i) If the department [~~commission~~] requires as a condition of release that a child attend psychological counseling under Subsection (a), the department [~~commission~~] may, before the date the period of release ends, petition the appropriate court to request the court to extend the period of release for an additional period necessary to complete the required counseling as determined by the treatment provider, except that the release period may not be extended to a date after the date of the child's 18th birthday.

Sec. 245.0535 [~~61.08131~~]. COMPREHENSIVE REENTRY AND REINTEGRATION PLAN FOR CHILDREN; STUDY AND REPORT. (a) The department [~~commission~~] shall develop a comprehensive plan for each child committed to the custody of the department to reduce recidivism and ensure the successful reentry and reintegration of the child [~~children~~] into the community following the [a] child's release under supervision or final discharge, as applicable, from the department [~~commission~~]. The plan for a child must be designed to ensure

that the child receives an extensive continuity of care in services from the time the child is committed to the department to the time of the child's final discharge from the department. The plan for a child must include, as applicable:

- (1) housing assistance;
- (2) a step-down program, such as placement in a halfway house;
- (3) family counseling;
- (4) academic and vocational mentoring;
- (5) trauma counseling for a child who is a victim of abuse while in the custody of the department; and
- (6) other specialized treatment services appropriate for the child.

(b) The comprehensive reentry and reintegration plan developed under this section must provide for:

(1) an assessment of each child committed to the department [~~commission~~] to determine which skills the child needs to develop to be successful in the community following release under supervision or final discharge;

(2) programs that address the assessed needs of each child;

(3) a comprehensive network of transition programs to address the needs of children released under supervision or finally discharged from the department [~~commission~~];

(4) the identification of providers of existing local programs and transitional services with whom the department [~~commission~~] may contract under this section to implement the reentry and reintegration plan; and

(5) subject to Subsection (c), the sharing of information between local coordinators, persons with whom the department [~~commission~~] contracts under this section, and other providers of services as necessary to adequately assess and address the needs of each child.

(c) A child's personal health information may be disclosed under Subsection (b)(5) only in the manner authorized by Section 244.051 [~~61.0731~~] or other state or federal law, provided that the disclosure does not violate the Health Insurance Portability and Accountability Act of 1996 (Pub. L. No. 104-191).

(d) The programs provided under Subsections (b)(2) and (3) must:

(1) be implemented by highly skilled staff who are experienced in working with reentry and reintegration programs for children;

(2) provide children with:

(A) individualized case management and a full continuum of care;

(B) life-skills training, including information about budgeting, money management, nutrition, and exercise;

(C) education and, if a child has a learning disability, special education;

(D) employment training;

(E) appropriate treatment programs, including substance abuse and mental health treatment programs; and

(F) parenting and relationship-building classes; and

(3) be designed to build for children post-release and post-discharge support from the community into which the child is released under supervision or finally discharged, including support from agencies and organizations within that community.

(e) The department [commission] may contract and coordinate with private vendors, units of local government, or other entities to implement the comprehensive reentry and reintegration plan developed under this section, including contracting to:

(1) coordinate the supervision and services provided to children during the time children are in the custody of the department [commission] with any supervision or services provided children who have been released under supervision or finally discharged from the department [commission];

(2) provide children awaiting release under supervision or final discharge with documents that are necessary after release or discharge, including identification papers, medical prescriptions, job training certificates, and referrals to services; and

(3) provide housing and structured programs, including programs for recovering substance abusers, through which children are provided services immediately following release under supervision or final discharge.

(f) To ensure accountability, any contract entered into under this section must contain specific performance measures that the department [commission] shall use to evaluate compliance with the terms of the contract.

~~[(g) The commission shall ensure that each reentry and reintegration plan developed for a child under Section 61.0814 is coordinated with the comprehensive reentry and reintegration plan developed under this section.]~~

(h) The department [commission] shall conduct and coordinate research to determine whether the comprehensive reentry and reintegration plan developed under this section reduces recidivism rates.

(i) Not later than December 1 of each even-numbered year, the department [commission] shall deliver a report of the results of research conducted or coordinated under Subsection (h) to the lieutenant governor, the speaker of the house of representatives, and the standing committees of each house of the legislature with primary jurisdiction over juvenile justice and corrections.

(j) If a program or service in the child's comprehensive reentry and reintegration plan is not available at the time the child is to be released, the department shall find a suitable alternative program or service so that the child's release is not postponed.

(k) The department shall:

(1) clearly explain the comprehensive reentry and reintegration plan and any conditions of supervision to a child who will be released on supervision; and

(2) require each child committed to the department that is to be released on supervision to acknowledge and sign a document containing any conditions of supervision.

Sec. 245.054 [61.0814]. INFORMATION PROVIDED TO COURT BEFORE RELEASE. (a) In addition to providing the court with notice of release of a child under Section 245.051(b) ~~[61.081(e)]~~, as soon as possible but not later than the 30th day before the date the department [commission] releases the child, the department [commission] shall provide the court that committed the child to the department [commission]:

(1) a copy of the child's reentry and reintegration plan developed under Section 245.0535 ~~[61.0814]~~; and

(2) a report concerning the progress the child has made while committed to the department [commission].

(b) If, on release, the department [~~commission~~] places a child in a county other than the county served by the court that committed the child to the department [~~commission~~], the department [~~commission~~] shall provide the information described by Subsection (a) to both the committing court and the juvenile court in the county where the child is placed after release.

(c) If, on release, a child's residence is located in another state, the department [~~commission~~] shall provide the information described by Subsection (a) to both the committing court and a juvenile court of the other state that has jurisdiction over the area in which the child's residence is located.

SUBCHAPTER C. MINIMUM LENGTH OF STAY; EXTENSION ORDERS

~~Sec. 245.101 [61.0814. REENTRY AND REINTEGRATION PLAN. (a) The commission shall develop a reentry and reintegration plan for each child committed to the custody of the commission. The plan for a child must be designed to ensure that the child receives an extensive continuity of care in services from the time the child is committed to the commission to the time of the child's final discharge from the commission. The plan for a child must include, as applicable:~~

~~(1) housing assistance;~~

~~(2) a step-down program, such as placement in a halfway house;~~

~~(3) family counseling;~~

~~(4) academic and vocational mentoring;~~

~~(5) trauma counseling for a child who is a victim of abuse while in the custody of the commission; and~~

~~(6) other specialized treatment services appropriate for the child.~~

~~(b) If a program or service in the child's reentry and reintegration plan is not available at the time the child is to be released, the commission shall find a suitable alternative program or service so that the child's release is not postponed.~~

~~[Sec. 61.0815]. COMPLETION OF MINIMUM LENGTH OF STAY; PANEL.~~

(a) After a child who is committed to the department [~~commission~~] without a determinate sentence completes the minimum length of stay established by the department [~~commission~~] for the child under Section 243.002 [~~61.062~~], the department [~~commission~~] shall, in the manner provided by this section and Section 245.102:

(1) discharge the child from the custody of the department [~~commission~~];

(2) release the child under supervision under Section 245.051 [~~61.081~~]; or

(3) extend the length of the child's stay in the custody of the department [~~commission~~].

(b) The board [~~commission~~] by rule shall establish a panel whose function is to review and determine whether a child who has completed the child's minimum length of stay should be discharged from the custody of the department [~~commission~~] as provided by Subsection (a)(1), be released under supervision under Section 245.051 [~~61.081~~] as provided by Subsection (a)(2), or remain in the custody of the department [~~commission~~] for an additional period of time as provided by Subsection (a)(3).

(c) The executive director [~~commissioner~~] shall determine the size of the panel described by Subsection (b) and the length of the members' terms of service on the panel. The panel must consist of an odd number of members and the terms of the panel's members must last for at least two years. The executive director

~~[commissioner]~~ shall adopt policies that ensure the transparency, consistency, and objectivity of the panel's composition, procedures, and decisions. The executive director ~~[commissioner]~~ shall appoint persons to serve as members of the panel. A person appointed to the panel must be a department ~~[commission]~~ employee who works at the department's ~~[commission's]~~ central office. A member of the panel may not be involved in any supervisory decisions concerning children in the custody of the department ~~[commission]~~.

Sec. 245.102. EXTENSION ORDER. (a) A ~~[(d) The]~~ panel may extend the length of the child's stay as provided by Section 245.101(a)(3) ~~[Subsection (a)(3)]~~ only if the panel determines by majority vote and on the basis of clear and convincing evidence that:

(1) the child is in need of additional rehabilitation from the department; ~~[commission]~~ and

(2) ~~[that]~~ the department ~~[commission]~~ will provide the most suitable environment for that rehabilitation.

(b) In extending the length of a child's stay, the panel must specify the additional period of time that the child is to remain in the custody of the department ~~[commission]~~ and must conduct an additional review and determination as provided by Section 245.101 ~~[this section]~~ on the child's completion of the additional term of stay.

(c) If the panel determines that the child's length of stay should not be extended, the department ~~[commission]~~ must discharge the child from the custody of the department ~~[commission]~~ as provided by Section 245.101(a)(1) ~~[Subsection (a)(1)]~~ or release the child under supervision under Section 245.051 ~~[Section 61.081]~~ as provided by Section 245.101(a)(2) ~~[Subsection (a)(2)]~~.

Sec. 245.103. STATISTICS AND REPORTS CONCERNING EXTENSION ORDERS. (a) ~~[(e)]~~ The department ~~[commission]~~ shall maintain statistics of the number of extensions granted by a ~~[the]~~ panel under Section 245.102. The statistics must include aggregated information concerning:

(1) the race, age, sex, specialized treatment needs, and county of origin for each child for whom an extension order is requested;

(2) the facility in which the child is confined; and

(3) if applicable, any allegations concerning the abuse, mistreatment, or neglect of the child, aggregated by the type of misconduct to which the child was subjected.

(b) ~~[(f)]~~ To the extent authorized under law, the statistics maintained under Subsection (a) ~~[(e)]~~ are public information under Chapter 552, Government Code, and the department ~~[commission]~~ shall post the statistics on the department's ~~[commission's]~~ Internet website.

(c) The department ~~[commission]~~ shall prepare and deliver to the standing committees of the senate and house of representatives with primary jurisdiction over matters concerning correctional facilities a report concerning the statistics maintained under Subsection (a) ~~[(e)]~~.

(d) ~~[(g)]~~ The department ~~[commission]~~ shall provide a report to the parent, guardian, or designated advocate of a child whose length of stay is extended under Section 245.102 ~~[this section]~~ explaining the panel's reason for the extension.

Sec. 245.104 [61.0816]. REQUEST FOR RECONSIDERATION OF EXTENSION ORDER. (a) The board [commission] by rule shall establish a process to request the reconsideration of an extension order issued by a [the] panel [established] under Section 245.102 [61.0815].

(b) The process to request reconsideration must provide that:

(1) a child, a parent, guardian, or designated advocate of a child, an employee of the department [commission], or a person who provides volunteer services at a department [commission] facility may submit a request for reconsideration of an extension order;

(2) the person submitting the request for reconsideration of an extension order must state in the request the reason for the request;

(3) after receiving a request for reconsideration of an extension order, the panel shall reconsider an extension order that:

(A) extends the child's stay in the custody of the department [commission] by six months or more; or

(B) combined with previous extension orders will result in an extension of the child's stay in the custody of the department [commission] by six months or more;

(4) the panel's reconsideration of an extension order includes consideration of the information submitted in the request; and

(5) the panel shall send a written reply to the child, the parent, guardian, or designated advocate of the child, and the person who made the request for reconsideration of an extension order that includes an explanation of the panel's decision after reconsidering the extension order, including an indication that the panel has considered the information submitted in the request.

(c) The department [commission] shall create a form for a request for reconsideration of an extension order that is clear and easy to understand. The department [commission] shall ensure that a child may request assistance in completing a request for reconsideration of an extension order.

Sec. 245.105. STATISTICS AND REPORTS CONCERNING RECONSIDERATIONS OF EXTENSION ORDERS. (a) [(d)] The department [commission] shall maintain statistics of the number of requests for reconsideration of an extension order that are submitted under Section 245.104 and the action taken on reconsideration of the extension order. The statistics must include aggregated information concerning:

(1) the race, age, sex, specialized treatment needs, and county of origin for each child for whom a request for reconsideration of an extension order is submitted;

(2) whether a request for reconsideration of an extension order results in:

(A) a discharge or release under supervision; or

(B) the original extension order being upheld;

(3) the facility in which the child is confined; and

(4) if applicable, any allegations concerning the abuse, mistreatment, or neglect of the child, aggregated by the type of misconduct to which the child was subjected.

(b) ~~(e)~~ To the extent authorized under law, the statistics maintained under Subsection (a) ~~(d)~~ are public information under Chapter 552, Government Code, and the department ~~[commission]~~ shall post the statistics on the department's ~~[commission's]~~ Internet website.

(c) The department ~~[commission]~~ shall prepare and deliver to the standing committees of the senate and house of representatives with primary jurisdiction over matters concerning correctional facilities a report concerning the statistics maintained under Subsection (a) ~~(d)~~.

Sec. 245.106 ~~[61.082]~~. TRANSPORTATION, CLOTHING, MONEY. The department ~~[commission]~~ shall ensure that each child it releases under supervision has:

- (1) suitable clothing;
- (2) ~~;~~ transportation to his or her home or to the county in which a suitable home or employment has been found; ~~;~~ and
- (3) money in an amount authorized by the rules of the department ~~[commission]~~.

SUBCHAPTER D. TERMINATION OF CONTROL

Sec. 245.151 ~~[61.083]~~. CONTRACTS WITH COUNTIES. (a) ~~The commission may make a contract with a county to use the services of the county's juvenile probation department for the supervision of children within the county who are on furlough from a commission facility or who are released under supervision from a commission facility.~~

~~(b) The payments shall be made to the county treasurer on a quarterly schedule.~~

~~(c) The commission may not pay a county for supervision of a child for any time after the child:~~

- ~~(1) is discharged from the commission's custody;~~
- ~~(2) is returned to a commission facility; or~~
- ~~(3) transfers his or her residence to another county or state.~~

~~(d) A county that has a contract with the commission must report to the commission on the status and progress of each child for whom the county is receiving payments. The reports shall be made at the time and in the manner specified by the contract.~~

~~[Sec. 61.084]~~. TERMINATION OF CONTROL. (a) Except as provided by Subsections (b) and (c), if a person is committed to the department ~~[commission]~~ under a determinate sentence under Section 54.04(d)(3), Section 54.04(m), or Section 54.05(f), Family Code, the department ~~[commission]~~ may not discharge the person from its custody.

(b) The department ~~[commission]~~ shall discharge without a court hearing a person committed to the department ~~[it]~~ for a determinate sentence under Section 54.04(d)(3), Section 54.04(m), or Section 54.05(f), Family Code, who has not been transferred to the Texas Department of Criminal Justice under a court order on the date that the time spent by the person in detention in connection with the committing case plus the time spent at the department ~~[Texas Youth Commission]~~ under the order of commitment equals the period of the sentence.

(c) The department [~~commission~~] shall transfer to the Texas Department of Criminal Justice a person who is the subject of an order under Section 54.11(i)(2), Family Code, transferring the person to the custody of the Texas Department of Criminal Justice for the completion of the person's sentence.

(d) [~~(e)~~] Except as provided by Subsection (e) [~~(f)~~], the department [~~commission~~] shall discharge from its custody a person not already discharged on the person's 19th birthday.

(e) [~~(f)~~] The department [~~commission~~] shall transfer a person who has been sentenced under a determinate sentence to commitment under Section 54.04(d)(3), 54.04(m), or 54.05(f), Family Code, or who has been returned to the department [~~commission~~] under Section 54.11(i)(1), Family Code, to the custody of the Texas Department of Criminal Justice on the person's 19th birthday, if the person has not already been discharged or transferred, to serve the remainder of the person's sentence on parole as provided by Section 508.156, Government Code.

Sec. 245.152 [~~61.0844~~]. DETERMINATE SENTENCE PAROLE. (a) Not later than the 90th day before the date the department [~~commission~~] transfers a person to the custody of the Texas Department of Criminal Justice for release on parole under Section 245.051(c) [~~61.081(f)~~] or 245.151(e) [~~61.084(g)~~], the department [~~commission~~] shall submit to the Texas Department of Criminal Justice [~~department~~] all pertinent information relating to the person, including:

- (1) the juvenile court judgment;
- (2) the circumstances of the person's offense;
- (3) the person's previous social history and juvenile court records;
- (4) the person's physical and mental health record;
- (5) a record of the person's conduct, employment history, and attitude while committed to the department [~~commission~~];
- (6) a record of the sentence time served by the person at the department [~~commission~~] and in a juvenile detention facility in connection with the conduct for which the person was adjudicated; and
- (7) any written comments or information provided by the department [~~commission~~], local officials, family members of the person, victims of the offense, or the general public.

(b) The department [~~commission~~] shall provide instruction for parole officers of the Texas Department of Criminal Justice relating to juvenile programs at the department [~~commission~~]. The department [~~commission~~] and the Texas Department of Criminal Justice [~~department~~] shall enter into a memorandum of understanding relating to the administration of this subsection.

(c) The Texas Department of Criminal Justice shall grant credit for sentence time served by a person at the department [~~commission~~] and in a juvenile detention facility, as recorded by the department [~~commission~~] under Subsection (a)(6), in computing the person's eligibility for parole and discharge from the Texas Department of Criminal Justice [~~department~~].

SECTION 1.008. Subchapter I, Chapter 61, Human Resources Code, is transferred to Subtitle C, Title 12, Human Resources Code, as added by this Act, redesignated as Chapter 246, and amended to read as follows:

CHAPTER 246 ~~[SUBCHAPTER 4]~~. INDUSTRIES PROGRAM

Sec. 246.001 ~~[61.121]~~. PURPOSE; IMPLEMENTATION. The purposes of the department ~~[commission]~~ industries program are:

- (1) to provide adequate employment and vocational training for children; and
- (2) to develop and expand public and private department ~~[commission]~~ industries.

Sec. 246.002 ~~[61.122]~~. ADVISORY COMMITTEE. (a) A department ~~[commission]~~ industries advisory committee is created consisting of nine members appointed by the board ~~[commission]~~.

(b) Members serve staggered three-year terms, with the terms of three members expiring February 1 of each odd-numbered year.

(c) In making appointments under this section, the board ~~[commission]~~ shall endeavor to include representatives of industries appropriate for hiring children committed to the department ~~[commission]~~.

Sec. 246.003 ~~[61.123]~~. PAY AND DISTRIBUTION OF PAY. The department ~~[commission]~~ shall apportion wages earned by a child working under the industries program in amounts determined at the discretion of the department ~~[commission]~~, in the following priority:

- (1) a person to whom the child has been ordered by a court or to whom the child has agreed to pay restitution;
- (2) a person to whom the child has been ordered by a court to pay child support;
- (3) the compensation to victims of crime fund or the compensation to victims of crime auxiliary fund; and
- (4) the child's student account.

Sec. 246.004 ~~[61.124]~~. INDUSTRIES FUND. (a) A Texas Juvenile Justice Department ~~[Youth Commission]~~ industries program fund is created in the state treasury.

(b) Proceeds from the operation of the industries program shall be deposited in the fund.

(c) Money from the fund may be appropriated only for use by the department ~~[commission]~~ for the administration of this subchapter.

~~[(d) Sections 403.094 and 403.095, Government Code, do not apply to the fund.]~~

Sec. 246.005 ~~[61.125]~~. CONTRACTS. To encourage the development and expansion of the industries program, the department ~~[commission]~~ may enter into necessary contracts related to the program.

Sec. 246.006 ~~[61.126]~~. DONATIONS. The industries program may be financed through contributions donated for this purpose by private businesses contracting with the department ~~[commission]~~.

Sec. 246.007 ~~[61.127]~~. GRANTS. (a) The department ~~[commission]~~ may accept a grant for the vocational rehabilitation of children.

(b) The department ~~[commission]~~ shall maintain a record of the receipt and disbursement of a grant and shall annually report to the lieutenant governor and the speaker of the house of representatives on the administration of grant funds.

Sec. ~~246.008~~ [61-128]. LEASE OF LAND. (a) The department [~~commission~~] may lease land owned by the department [~~commission~~] to a private business to expand and develop the industries program.

(b) The term of the lease may not exceed 20 years.

(c) The business must lease the land at fair market value.

(d) The business may construct a new facility on the land or convert an existing facility.

~~Sec. 246.009 [Sec. 61-129. CERTIFICATION FOR FRANCHISE CREDIT. The commission shall prepare and issue a certification that a corporation requires for the franchise tax credit for wages paid as provided by Subchapter M, Chapter 171, Tax Code.~~

[~~Sec. 61-130~~]. OPTIONAL AD VALOREM TAX ABATEMENT. (a) A business contracting with the department [~~commission~~] may enter into an ad valorem tax abatement agreement under Subchapters B and C, Chapter 312, Tax Code, with the governing body of the municipality and county in which the business is located.

(b) If an area in which businesses contracting with the department [~~commission~~] under this subchapter is designated as a reinvestment zone under Chapter 312, Tax Code, the area satisfies Section 312.202(a)(6), Tax Code, in that the area would be reasonably likely as a result of the designation to contribute to the retention or expansion of primary employment or to attract major investment in the zone that would be a benefit to the property and that would contribute to the economic development of the entity designating the area as a reinvestment zone.

SECTION 1.009. Title 12, Human Resources Code, as added by this Act, is amended by adding Subtitle D, and a heading is added to read as follows:

SUBTITLE D. INDEPENDENT OMBUDSMAN

SECTION 1.010. Chapter 64, Human Resources Code, is transferred to Subtitle D, Title 12, Human Resources Code, as added by this Act, redesignated as Chapter 261, and amended to read as follows:

CHAPTER ~~261~~ [64]. [~~OFFICE OF~~] INDEPENDENT OMBUDSMAN

[~~OF THE TEXAS YOUTH COMMISSION~~]

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 261.001 [~~64.001~~]. DEFINITIONS. In this chapter:

(1) [~~"Commission" means the Texas Youth Commission.~~

[~~2~~] "Independent ombudsman" means the individual who has been appointed under this chapter to the office of independent ombudsman.

(2) [~~3~~] "Office" means the office of independent ombudsman created under this chapter.

Sec. 261.002 [~~64.002~~]. ESTABLISHMENT; PURPOSE. The office of independent ombudsman is a state agency established for the purpose of investigating, evaluating, and securing the rights of the children committed to the department [~~commission~~], including a child released under supervision before final discharge.

Sec. 261.003 [~~64.003~~]. INDEPENDENCE. (a) The independent ombudsman in the performance of its duties and powers under this chapter acts independently of the department [~~commission~~].

(b) Funding for the independent ombudsman is appropriated separately from funding for the department [~~commission~~].

SUBCHAPTER B. APPOINTMENT AND MANAGEMENT OF OFFICE

Sec. ~~261.051~~ [~~64.051~~]. APPOINTMENT OF INDEPENDENT OMBUDSMAN. (a) The governor shall appoint the independent ombudsman with the advice and consent of the senate for a term of two years, expiring February 1 of odd-numbered years.

(b) A person appointed as independent ombudsman is eligible for reappointment but may not serve more than three terms in that capacity.

Sec. 261.052 [~~64.052~~]. ASSISTANTS. The independent ombudsman may hire assistants to perform, under the direction of the independent ombudsman, the same duties and exercise the same powers as the independent ombudsman.

Sec. 261.053 [~~64.053~~]. CONFLICT OF INTEREST. (a) A person may not serve as independent ombudsman or as an assistant to the independent ombudsman if the person or the person's spouse:

(1) is employed by or participates in the management of a business entity or other organization receiving funds from the department [~~commission~~];

(2) owns or controls, directly or indirectly, any interest in a business entity or other organization receiving funds from the department [~~commission~~]; or

(3) uses or receives any amount of tangible goods, services, or funds from the department [~~commission~~].

(b) A person may not serve as independent ombudsman or as an assistant to the independent ombudsman if the person or the person's spouse is required to register as a lobbyist under Chapter 305, Government Code, because of the person's activities for compensation on behalf of a profession related to the operation of the department [~~commission~~].

(c) A person may not serve as independent ombudsman or as an assistant to the independent ombudsman if the person or the person's spouse is an officer, employee, manager, or paid consultant of a Texas trade association in the field of criminal or juvenile justice.

(d) For the purposes of this section, a Texas trade association is a nonprofit, cooperative, and voluntarily joined association of business or professional competitors in this state designed to assist its members and its industry or profession in dealing with mutual business or professional problems and in promoting their common interest.

Sec. 261.054 [~~64.054~~]. SUNSET PROVISION. [~~(a)~~] The office is subject to review under Chapter 325, Government Code (Texas Sunset Act), but is not abolished under that chapter. The office shall be reviewed during the periods in which the Texas Juvenile Justice Department or its successor agency [~~Texas Youth Commission~~] is reviewed.

~~[(b) Notwithstanding Subsection (a), the Sunset Advisory Commission shall focus its review of the office on compliance with requirements placed on the office by legislation enacted by the 81st Legislature, Regular Session, 2009, that becomes law. This subsection expires September 1, 2011.]~~

Sec. 261.055 [~~64.055~~]. REPORT. (a) The independent ombudsman shall submit on a quarterly basis to the board, the governor, the lieutenant governor, the state auditor, and each member of the legislature a report that is both aggregated and disaggregated by individual facility and describes:

(1) the work of the independent ombudsman;
(2) the results of any review or investigation undertaken by the independent ombudsman, including reviews or investigation of services contracted by the department [~~commission~~]; and
(3) any recommendations that the independent ombudsman has in relation to the duties of the independent ombudsman.

(b) The independent ombudsman shall immediately report to the board, the governor, the lieutenant governor, the speaker of the house of representatives, the state auditor, and the office of the inspector general of the department [~~commission~~] any particularly serious or flagrant:

(1) case of abuse or injury of a child committed to the department [~~commission~~];
(2) problem concerning the administration of a department [~~commission~~] program or operation;
(3) problem concerning the delivery of services in a facility operated by or under contract with the department [~~commission~~]; or
(4) interference by the department [~~commission~~] with an investigation conducted by the office.

Sec. 261.056 [64.056]. COMMUNICATION AND CONFIDENTIALITY. (a) The department [~~commission~~] shall allow any child committed to the department [~~commission~~] to communicate with the independent ombudsman or an assistant to the ombudsman. The communication:

(1) may be in person, by mail, or by any other means; and
(2) is confidential and privileged.

(b) The records of the independent ombudsman are confidential, except that the independent ombudsman shall:

(1) share with the office of inspector general of the department [~~commission~~] a communication with a child that may involve the abuse or neglect of the child; and
(2) disclose its nonprivileged records if required by a court order on a showing of good cause.

(c) The independent ombudsman may make reports relating to an investigation public after the investigation is complete but only if the names of all children, parents, and employees are redacted from the report and remain confidential.

(d) The name, address, or other personally identifiable information of a person who files a complaint with the office of independent ombudsman, information generated by the office of independent ombudsman in the course of an investigation, and confidential records obtained by the office of independent ombudsman are confidential and not subject to disclosure under Chapter 552, Government Code, except that the information and records, other than confidential information and records concerning a pending law enforcement investigation or criminal action, may be disclosed to the appropriate person if the office determines that disclosure is:

(1) in the general public interest;
(2) necessary to enable the office to perform the responsibilities provided under this section; or
(3) necessary to identify, prevent, or treat the abuse or neglect of a child.

Sec. 261.057 [~~64.057~~]. PROMOTION OF AWARENESS OF OFFICE. The independent ombudsman shall promote awareness among the public and the children committed to the department [~~commission~~] of:

- (1) how the office may be contacted;
- (2) the purpose of the office; and
- (3) the services the office provides.

Sec. 261.058 [~~64.058~~]. RULEMAKING AUTHORITY. (a) The office by rule shall establish policies and procedures for the operations of the office of independent ombudsman.

(b) The office and the board [~~commission~~] shall adopt rules necessary to implement Section 261.060 [~~64.060~~], including rules that establish procedures for the department [~~commission~~] to review and comment on reports of the office and for the department [~~commission~~] to expedite or eliminate review of and comment on a report due to an emergency or a serious or flagrant circumstance described by Section 261.055(b) [~~64.055(b)~~].

Sec. 261.059 [~~64.059~~]. AUTHORITY OF STATE AUDITOR. The office is subject to audit by the state auditor in accordance with Chapter 321, Government Code.

Sec. 261.060 [~~64.060~~]. REVIEW AND FORMAT OF REPORTS. (a) The office shall accept, both before and after publication, comments from the board [~~commission~~] concerning the following types of reports published by the office under this chapter:

- (1) the office's quarterly report under Section 261.055(a) [~~64.055(a)~~];
- (2) reports concerning serious or flagrant circumstances under Section 261.055(b) [~~64.055(b)~~]; and
- (3) any other formal reports containing findings and making recommendations concerning systemic issues that affect the department [~~commission~~].

(b) The board [~~commission~~] may not submit comments under Subsection (a) after the 30th day after the date the report on which the board [~~commission~~] is commenting is published.

(c) The office shall ensure that reports described by Subsection (a) are in a format to which the board [~~commission~~] can easily respond.

(d) After receipt of comments under this section, the office is not obligated to change any report or change the manner in which the office performs the duties of the office.

Sec. 261.061 [~~64.061~~]. COMPLAINTS. (a) The office shall maintain a system to promptly and efficiently act on complaints filed with the office that relate to the operations or staff of the office. The office shall maintain information about parties to the complaint, the subject matter of the complaint, a summary of the results of the review or investigation of the complaint, and the disposition of the complaint.

(b) The office shall make information available describing its procedures for complaint investigation and resolution.

(c) The office shall periodically notify the complaint parties of the status of the complaint until final disposition.

SUBCHAPTER C. DUTIES AND POWERS

Sec. 261.101 [64.101]. DUTIES AND POWERS. (a) The independent ombudsman shall:

(1) review the procedures established by the board [~~commission~~] and evaluate the delivery of services to children to ensure that the rights of children are fully observed;

(2) review complaints filed with the independent ombudsman concerning the actions of the department [~~commission~~] and investigate each complaint in which it appears that a child may be in need of assistance from the independent ombudsman;

(3) conduct investigations of complaints, other than complaints alleging criminal behavior, if the office determines that:

(A) a child committed to the department [~~commission~~] or the child's family may be in need of assistance from the office; or

(B) a systemic issue in the department's [~~commission's~~] provision of services is raised by a complaint;

(4) review or inspect periodically the facilities and procedures of any institution or residence in which a child has been placed by the department [~~commission~~], whether public or private, to ensure that the rights of children are fully observed;

(5) provide assistance to a child or family who the independent ombudsman determines is in need of assistance, including advocating with an agency, provider, or other person in the best interests of the child;

(6) review court orders as necessary to fulfill its duties;

(7) recommend changes in any procedure relating to the treatment of children committed to the department [~~commission~~];

(8) make appropriate referrals under any of the duties and powers listed in this subsection; ~~and~~

(9) supervise assistants who are serving as advocates in their representation of children committed to the department [~~commission~~] in internal administrative and disciplinary hearings;

(10) review reports received by the department relating to complaints regarding juvenile probation programs, services, or facilities and analyze the data contained in the reports to identify trends in complaints; and

(11) report a possible standards violation by a local probation department to the appropriate division of the department.

(b) The independent ombudsman may apprise persons who are interested in a child's welfare of the rights of the child.

(c) To assess if a child's rights have been violated, the independent ombudsman may, in any matter that does not involve alleged criminal behavior, contact or consult with an administrator, employee, child, parent, expert, or any other individual in the course of its investigation or to secure information.

(d) Notwithstanding any other provision of this chapter, the independent ombudsman may not investigate alleged criminal behavior.

(e) Notwithstanding any other provision of this chapter, the powers of the office are limited to facilities operated and services provided by the department under Subtitle C.

Sec. 261.102 [64.102]. TREATMENT OF DEPARTMENT [COMMISSION] EMPLOYEES WHO COOPERATE WITH INDEPENDENT OMBUDSMAN. The department [commission] may not discharge or in any manner discriminate or retaliate against an employee who in good faith makes a complaint to the office of independent ombudsman or cooperates with the office in an investigation.

Sec. 261.103 [64.103]. TRAINING. The independent ombudsman shall attend annual sessions, including the training curriculum for juvenile correctional officers required under Section 242.009 [61.0356], and may participate in other appropriate professional training.

Sec. 261.104 [64.104]. MEMORANDUM OF UNDERSTANDING. (a) The office and the department [commission] shall enter into a memorandum of understanding concerning:

(1) the most efficient manner in which to share information with one another; and

(2) the procedures for handling overlapping monitoring duties and activities performed by the office and the department [commission].

(b) The memorandum of understanding entered into under Subsection (a), at a minimum, must:

(1) address the interaction of the office with that portion of the department [commission] that conducts an internal audit under Section 203.013 [61.0331];

(2) address communication between the office and the department [commission] concerning individual situations involving children committed to the department [commission] and how those situations will be documented and handled;

(3) contain guidelines on the office's role in relevant working groups and policy development decisions at the department [commission];

(4) ensure opportunities for sharing information between the office and the department [commission] for the purposes of assuring quality and improving programming within the department [commission]; and

(5) preserve the independence of the office by authorizing the office to withhold information concerning matters under active investigation by the office from the department [commission] and department [commission] staff and to report the information to the board and the governor.

SUBCHAPTER D. ACCESS TO INFORMATION

Sec. 261.151 [64.151]. ACCESS TO INFORMATION OF GOVERNMENTAL ENTITIES. (a) The ~~[commission shall allow the]~~ independent ombudsman has access to the department's ~~[its]~~ records relating to the children committed to the department [commission].

(b) The Department of Public Safety shall allow the independent ombudsman access to the juvenile justice information system established under Subchapter B, Chapter 58, Family Code.

(c) A local law enforcement agency shall allow the independent ombudsman access to its records relating to any child in the care or custody of the department [commission].

Sec. 261.152 [64.152]. ACCESS TO INFORMATION OF PRIVATE ENTITIES. The independent ombudsman shall have access to the records of a private entity that relate to a child committed to the department [commission].

SECTION 1.011. Section 61.020(a), Human Resources Code, is amended to read as follows:

(a) The Texas Youth Commission [~~is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the commission~~] is abolished on December [~~and this chapter expires September~~] 1, 2011.

SECTION 1.012. Section 141.012(a), Human Resources Code, is amended to read as follows:

(a) The Texas Juvenile Probation Commission [~~is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the commission~~] is abolished on December [~~and this chapter expires September~~] 1, 2011.

ARTICLE 2. MISCELLANEOUS PROVISIONS

SECTION 2.001. Section 51.126, Family Code, is amended by amending Subsections (b), (c), (d), and (e) and adding Subsection (f) to read as follows:

(b) In each county, each judge of the juvenile court and a majority of the members of the juvenile board shall personally inspect, at least annually, all nonsecure correctional facilities that are located in the county and shall certify in writing to the authorities responsible for operating and giving financial support to the facilities and to the Texas Juvenile Justice Department [~~Probation Commission~~] that the facility or facilities are suitable or unsuitable for the confinement of children. In determining whether a facility is suitable or unsuitable for the confinement of children, the juvenile court judges and juvenile board members shall consider:

(1) current monitoring and inspection reports and any noncompliance citation reports issued by the Texas Juvenile Justice Department [~~Probation Commission~~], including the report provided under Subsection (c), and the status of any required corrective actions; and

(2) the other factors described under Sections 51.12(c)(2)-(7).

(c) The Texas Juvenile Justice Department [~~Probation Commission~~] shall annually inspect each nonsecure correctional facility. The Texas Juvenile Justice Department [~~Probation Commission~~] shall provide a report to each juvenile court judge presiding in the same county as an inspected facility indicating whether the facility is suitable or unsuitable for the confinement of children in accordance with minimum professional standards for the confinement of children in nonsecure confinement promulgated by the Texas Juvenile Justice Department [~~Probation Commission~~] or, at the election of the juvenile board of the county in which the facility is located, the current standards promulgated by the American Correctional Association.

(d) A governmental unit or private entity that operates or contracts for the operation of a juvenile nonsecure correctional facility in this state under Subsection (a), except for a facility operated by or under contract with the Texas Juvenile Justice Department [~~Texas Youth Commission~~], shall:

(1) register the facility annually with the Texas Juvenile Justice Department [~~Probation Commission~~]; and

(2) adhere to all applicable minimum standards for the facility.

(e) The Texas Juvenile Justice Department [~~Probation Commission~~] may deny, suspend, or revoke the registration of any facility required to register under Subsection (d) if the facility fails to:

- (1) adhere to all applicable minimum standards for the facility; or
- (2) timely correct any notice of noncompliance with minimum standards.

(f) In this section, "Texas Juvenile Justice Department" means the Texas Juvenile Probation Commission. This subsection expires December 1, 2011.

SECTION 2.002. Section 58.403, Family Code, is amended by adding Subsection (d) to read as follows:

(d) Subchapter L, Chapter 2054, Government Code, does not apply to the statewide juvenile information and case management system created under this subchapter.

SECTION 2.003. Section 614.017(c)(1), Health and Safety Code, is amended to read as follows:

(1) "Agency" includes any of the following entities and individuals, a person with an agency relationship with one of the following entities or individuals, and a person who contracts with one or more of the following entities or individuals:

(A) the Texas Department of Criminal Justice and the Correctional Managed Health Care Committee;

(B) the Board of Pardons and Paroles;

(C) the Department of State Health Services;

(D) the Texas Juvenile Justice Department [~~Probation Commission~~];

(E) [~~the Texas Youth Commission~~];

[~~(F)~~] the Department of Assistive and Rehabilitative Services;

(F) [~~(G)~~] the Texas Education Agency;

(G) [~~(H)~~] the Commission on Jail Standards;

(H) [~~(I)~~] the Department of Aging and Disability Services;

(I) [~~(J)~~] the Texas School for the Blind and Visually Impaired;

(J) [~~(K)~~] community supervision and corrections departments and local juvenile probation departments;

(K) [~~(L)~~] personal bond pretrial release offices established under Article 17.42, Code of Criminal Procedure;

(L) [~~(M)~~] local jails regulated by the Commission on Jail Standards;

(M) [~~(N)~~] a municipal or county health department;

(N) [~~(O)~~] a hospital district;

(O) [~~(P)~~] a judge of this state with jurisdiction over juvenile or criminal cases;

(P) [~~(Q)~~] an attorney who is appointed or retained to represent a special needs offender or a juvenile with a mental impairment;

(Q) [~~(R)~~] the Health and Human Services Commission;

(R) [~~(S)~~] the Department of Information Resources;

(S) [~~(T)~~] the bureau of identification and records of the Department of Public Safety, for the sole purpose of providing real-time, contemporaneous identification of individuals in the Department of State Health Services client data base; and

(T) [~~(U)~~] the Department of Family and Protective Services.

SECTION 2.004. Sections 614.018(a) and (b), Health and Safety Code, are amended to read as follows:

(a) The Texas Juvenile Justice Department [~~Probation Commission, the Texas Youth Commission~~], the Department of Public Safety, the Department of State Health Services, the Department of Aging and Disability Services, the Department of Family and Protective Services, the Texas Education Agency, and local juvenile probation departments shall adopt a memorandum of understanding that establishes their respective responsibilities to institute a continuity of care and service program for juveniles with mental impairments in the juvenile justice system. The Texas Correctional Office on Offenders with Medical and Mental Impairments shall coordinate and monitor the development and implementation of the memorandum of understanding.

(b) The memorandum of understanding must establish methods for:

(1) identifying juveniles with mental impairments in the juvenile justice system and collecting and reporting relevant data to the office;

(2) developing interagency rules, policies, and procedures for the coordination of care of and the exchange of information on juveniles with mental impairments who are committed to or treated, served, or supervised by the [~~Texas Youth Commission, the~~] Texas Juvenile Justice Department [~~Probation Commission~~], the Department of Public Safety, the Department of State Health Services, the Department of Family and Protective Services, the Department of Aging and Disability Services, the Texas Education Agency, local juvenile probation departments, local mental health or mental retardation authorities, and independent school districts; and

(3) identifying the services needed by juveniles with mental impairments in the juvenile justice system.

ARTICLE 3. CONFORMING AMENDMENTS

SECTION 3.001. Article 2.12, Code of Criminal Procedure, is amended to read as follows:

Art. 2.12. WHO ARE PEACE OFFICERS. The following are peace officers:

(1) sheriffs, their deputies, and those reserve deputies who hold a permanent peace officer license issued under Chapter 1701, Occupations Code;

(2) constables, deputy constables, and those reserve deputy constables who hold a permanent peace officer license issued under Chapter 1701, Occupations Code;

(3) marshals or police officers of an incorporated city, town, or village, and those reserve municipal police officers who hold a permanent peace officer license issued under Chapter 1701, Occupations Code;

(4) rangers and officers commissioned by the Public Safety Commission and the Director of the Department of Public Safety;

(5) investigators of the district attorneys', criminal district attorneys', and county attorneys' offices;

(6) law enforcement agents of the Texas Alcoholic Beverage Commission;

(7) each member of an arson investigating unit commissioned by a city, a county, or the state;

(8) officers commissioned under Section 37.081, Education Code, or Subchapter E, Chapter 51, Education Code;

- (9) officers commissioned by the General Services Commission;
- (10) law enforcement officers commissioned by the Parks and Wildlife Commission;
- (11) airport police officers commissioned by a city with a population of more than 1.18 million that operates an airport that serves commercial air carriers;
- (12) airport security personnel commissioned as peace officers by the governing body of any political subdivision of this state, other than a city described by Subdivision (11), that operates an airport that serves commercial air carriers;
- (13) municipal park and recreational patrolmen and security officers;
- (14) security officers and investigators commissioned as peace officers by the comptroller;
- (15) officers commissioned by a water control and improvement district under Section 49.216, Water Code;
- (16) officers commissioned by a board of trustees under Chapter 54, Transportation Code;
- (17) investigators commissioned by the Texas Medical Board;
- (18) officers commissioned by the board of managers of the Dallas County Hospital District, the Tarrant County Hospital District, or the Bexar County Hospital District under Section 281.057, Health and Safety Code;
- (19) county park rangers commissioned under Subchapter E, Chapter 351, Local Government Code;
- (20) investigators employed by the Texas Racing Commission;
- (21) officers commissioned under Chapter 554, Occupations Code;
- (22) officers commissioned by the governing body of a metropolitan rapid transit authority under Section 451.108, Transportation Code, or by a regional transportation authority under Section 452.110, Transportation Code;
- (23) investigators commissioned by the attorney general under Section 402.009, Government Code;
- (24) security officers and investigators commissioned as peace officers under Chapter 466, Government Code;
- (25) an officer employed by the Department of State Health Services under Section 431.2471, Health and Safety Code;
- (26) officers appointed by an appellate court under Subchapter F, Chapter 53, Government Code;
- (27) officers commissioned by the state fire marshal under Chapter 417, Government Code;
- (28) an investigator commissioned by the commissioner of insurance under Section 701.104, Insurance Code;
- (29) apprehension specialists and inspectors general commissioned by the Texas Juvenile Justice Department [~~Texas Youth Commission~~] as officers under Sections 242.102 and 243.052 [~~61.0451 and 61.0931~~], Human Resources Code;
- (30) officers appointed by the inspector general of the Texas Department of Criminal Justice under Section 493.019, Government Code;
- (31) investigators commissioned by the Commission on Law Enforcement Officer Standards and Education under Section 1701.160, Occupations Code;

(32) commission investigators commissioned by the Texas Private Security Board under Section 1702.061(f), Occupations Code;

(33) the fire marshal and any officers, inspectors, or investigators commissioned by an emergency services district under Chapter 775, Health and Safety Code;

(34) officers commissioned by the State Board of Dental Examiners under Section 254.013, Occupations Code, subject to the limitations imposed by that section;

(35) investigators commissioned by the Texas Juvenile Justice Department [~~Probation Commission~~] as officers under Section 221.011 [~~141.055~~], Human Resources Code; and

(36) the fire marshal and any related officers, inspectors, or investigators commissioned by a county under Subchapter B, Chapter 352, Local Government Code.

SECTION 3.002. Section 5(d), Article 18.20, Code of Criminal Procedure, is amended to read as follows:

(d) The Texas Juvenile Justice Department [~~Youth Commission~~] may own electronic, mechanical, or other devices for a use or purpose authorized by Section 242.103 [~~61.0455~~], Human Resources Code, and the inspector general of the Texas Juvenile Justice Department [~~Youth Commission~~], a commissioned officer of that office, or another person acting in the presence and under the direction of a commissioned officer of that office may possess, install, operate, or monitor those devices as provided by Section 242.103 [~~61.0455~~].

SECTION 3.003. Section 29.012(e), Education Code, is amended to read as follows:

(e) This section does not apply to a residential treatment facility for juveniles established under Section 221.056 [~~141.059~~], Human Resources Code.

SECTION 3.004. Section 51.13(c), Family Code, is amended to read as follows:

(c) A child may not be committed or transferred to a penal institution or other facility used primarily for the execution of sentences of persons convicted of crime, except:

(1) for temporary detention in a jail or lockup pending juvenile court hearing or disposition under conditions meeting the requirements of Section 51.12 of this code;

(2) after transfer for prosecution in criminal court under Section 54.02 of this code; or

(3) after transfer from the Texas Juvenile Justice Department [~~Youth Commission~~] under Section 245.151(c) [~~61.084~~], Human Resources Code.

SECTION 3.005. Section 51.21(a), Family Code, is amended to read as follows:

(a) A probation department that administers the mental health screening instrument or clinical assessment required by Section 221.003 [~~141.042~~(e)], Human Resources Code, shall refer the child to the local mental health authority for assessment and evaluation if:

(1) the child's scores on the screening instrument or clinical assessment indicate a need for further mental health assessment and evaluation; and

(2) the department and child do not have access to an internal, contract, or private mental health professional.

SECTION 3.006. Section 53.045(d), Family Code, is amended to read as follows:

(d) If the grand jury approves of the petition, the fact of approval shall be certified to the juvenile court, and the certification shall be entered in the record of the case. For the purpose of the transfer of a child to the Texas Department of Criminal Justice as provided by Section 245.151(c) [~~61.084(e)~~], Human Resources Code, a juvenile court petition approved by a grand jury under this section is an indictment presented by the grand jury.

SECTION 3.007. Sections 54.11(a), (h), (i), and (j), Family Code, are amended to read as follows:

(a) On receipt of a referral under Section 244.014(a) [~~61.079(a)~~], Human Resources Code, for the transfer to the Texas Department of Criminal Justice of a person committed to the Texas Juvenile Justice Department [~~Youth Commission~~] under Section 54.04(d)(3), 54.04(m), or 54.05(f), or on receipt of a request by the Texas Juvenile Justice Department [~~commission~~] under Section 245.051(d) [~~61.081(e)~~], Human Resources Code, for approval of the release under supervision of a person committed to the Texas Juvenile Justice Department [~~commission~~] under Section 54.04(d)(3), 54.04(m), or 54.05(f), the court shall set a time and place for a hearing on the release of the person.

(h) The hearing on a person who is referred for transfer under Section 244.014(a) [~~61.079(a)~~], Human Resources Code, shall be held not later than the 60th day after the date the court receives the referral.

(i) On conclusion of the hearing on a person who is referred for transfer under Section 244.014(a) [~~61.079(a)~~], Human Resources Code, the court may order:

(1) the return of the person to the Texas Juvenile Justice Department [~~Youth Commission~~]; or

(2) the transfer of the person to the custody of the Texas Department of Criminal Justice for the completion of the person's sentence.

(j) On conclusion of the hearing on a person who is referred for release under supervision under Section 245.051(c) [~~61.081(f)~~], Human Resources Code, the court may order the return of the person to the Texas Juvenile Justice Department [~~Youth Commission~~]:

(1) with approval for the release of the person under supervision; or

(2) without approval for the release of the person under supervision.

SECTION 3.008. Section 58.003(g-1), Family Code, is amended to read as follows:

(g-1) Any records collected or maintained by the Texas Juvenile Justice Department [~~Probation Commission~~], including statistical data submitted under Section 221.007 [~~141.044~~], Human Resources Code, are not subject to a sealing order issued under this section.

SECTION 3.009. Section 58.0072(b), Family Code, is amended to read as follows:

(b) Juvenile justice information consists of information of the type described by Section 58.104, including statistical data in any form or medium collected, maintained, or submitted to the Texas Juvenile Justice Department [~~Probation Commission~~] under Section 221.007 [~~441.044~~], Human Resources Code.

SECTION 3.010. Section 41.310(b), Government Code, is amended to read as follows:

(b) In addition to the duties prescribed by Subsection (a), the counsellor shall on a quarterly basis provide the board of directors and the standing committees of the senate and house of representatives with primary jurisdiction over matters concerning correctional facilities with a report concerning offenses or delinquent conduct prosecuted by the unit on receiving a request for assistance under Section 241.007 [~~61.098~~], Human Resources Code, or a request for assistance otherwise from a prosecuting attorney. A report under this subsection is public information under Chapter 552, Government Code, and the board of directors shall request that the commission publish the report on the commission's Internet website. A report must be both aggregated and disaggregated by individual facility and include information relating to:

(1) the number of requests for assistance received under Section 241.007 [~~61.098~~], Human Resources Code, and requests for assistance otherwise received from prosecuting attorneys;

(2) the number of cases investigated and the number of cases prosecuted;

(3) the types and outcomes of cases prosecuted, such as whether the case concerned narcotics or an alleged incident of sexual abuse; and

(4) the relationship of a victim to a perpetrator, if applicable.

SECTION 3.011. Section 411.1141(a), Government Code, is amended to read as follows:

(a) The Texas Juvenile Justice Department [~~Youth Commission~~] is entitled to obtain from the department criminal history record information maintained by the department that relates to a person described by Section 242.010(b) [~~61.0357(b)~~], Human Resources Code.

SECTION 3.012. Section 493.017(d), Government Code, is amended to read as follows:

(d) A sex offender correction program that provides counseling sessions for a child who is released under supervision under Section 245.053 [~~61.0813~~], Human Resources Code, shall report to the Texas Juvenile Justice Department [~~Youth Commission~~], not later than the 15th day of each month, the following information about the child:

(1) the total number of counseling sessions attended by the child during the preceding month; and

(2) if during the preceding month the child terminates participation in the program before completing counseling, the reason for the child's termination of counseling or that the reason for the termination of counseling is unknown.

SECTION 3.013. Section 499.053, Government Code, is amended to read as follows:

Sec. 499.053. TRANSFERS FROM TEXAS JUVENILE JUSTICE DEPARTMENT ~~[YOUTH COMMISSION]~~. (a) The ~~department~~ ~~[institutional division]~~ shall accept persons transferred to the ~~department~~ ~~[division]~~ from the Texas Juvenile Justice Department ~~[Youth Commission]~~ under Section 245.151 ~~[61.084]~~, Human Resources Code.

(b) A person transferred to the ~~department~~ ~~[institutional division]~~ from the Texas Juvenile Justice Department ~~[Youth Commission]~~ is entitled to credit on the person's sentence for the time served in the custody of the Texas Juvenile Justice Department ~~[youth commission]~~.

(c) All laws relating to good conduct time and eligibility for release on parole or mandatory supervision apply to a person transferred to the ~~department~~ ~~[institutional division]~~ by the Texas Juvenile Justice Department ~~[youth commission]~~ as if the time the person was detained in a detention facility and the time the person served in the custody of the Texas Juvenile Justice Department ~~[youth commission]~~ was time served in the custody of the ~~department~~ ~~[division]~~.

(d) A person transferred from the Texas Juvenile Justice Department ~~[Youth Commission]~~ for the offense of capital murder shall become eligible for parole as provided in Section 508.145(d) for an offense listed in Section 3g, Article 42.12, Code of Criminal Procedure, or an offense for which a deadly weapon finding has been made.

SECTION 3.014. Section 508.156(a), Government Code, is amended to read as follows:

(a) Before the release of a person who is transferred under Section 245.051(c) ~~[61.081(f)]~~ or 245.151(e) ~~[61.084(g)]~~, Human Resources Code, to the ~~department~~ ~~[division]~~ for release on parole, a parole panel shall review the person's records and may interview the person or any other person the panel considers necessary to determine the conditions of parole. The panel may impose any reasonable condition of parole on the person that the panel may impose on an adult inmate under this chapter.

SECTION 3.015. Section 614.019(c), Health and Safety Code, is amended to read as follows:

(c) A child with mental illness or mental retardation who is discharged from the Texas Juvenile Justice Department ~~[Youth Commission]~~ under Section 244.011 ~~[61.077]~~, Human Resources Code, may receive continuity of care services from the office for a minimum of 90 days after discharge from the commission and for as long as necessary for the child to demonstrate sufficient stability to transition successfully to mental health or mental retardation services provided by a local mental health or mental retardation authority.

SECTION 3.016. Section 152.0007(b), Human Resources Code, is amended to read as follows:

(b) The board may establish guidelines for the initial assessment of a child by the juvenile probation department. The guidelines shall provide a means for assessing a child's mental health status, family background, and level of education. The guidelines shall assist the probation department in determining whether a comprehensive psychological evaluation of the child should be conducted. The board shall require that probation department personnel use assessment information

compiled by the child's school, if the information is available, before conducting a comprehensive psychological evaluation of the child. The board may adopt all or part of the Texas Juvenile Justice Department's [~~Juvenile Probation Commission's~~] minimum standards for assessment under Section 221.002 [~~141.042~~] in complying with this subsection.

SECTION 3.017. Section 152.0011, Human Resources Code, is amended to read as follows:

Sec. 152.0011. LOCAL YOUTH BOOT CAMPS; CONTRACTS WITH PRIVATE VENDORS. (a) The juvenile board or local juvenile probation department may establish a youth boot camp and employ necessary personnel to operate the camp.

(b) The juvenile board or local juvenile probation department may contract with a private vendor for the financing, construction, operation, maintenance, or management of a youth boot camp [~~in the same manner as the state. The juvenile board may not award a contract under this subsection unless the board requests proposals and receives a proposal that meets or exceeds, in addition to requirements specified in the request for proposals, the requirements specified in Section 141.0434.~~

~~[(c) A juvenile board youth boot camp must offer a program that complies with the requirements of the youth boot camps set forth in Section 141.0432].~~

(c) [(d)] If a juvenile board or its designee determines that a child is not complying with the rules of conduct promulgated by the board [~~commission~~] or is medically or psychologically unsuitable for the program, the board shall terminate the child's participation in the program and request the sentencing court to reassume custody of the child.

SECTION 3.018. Section 152.0301(f), Human Resources Code, is amended to read as follows:

(f) The juvenile board shall ensure that the chief juvenile officer and fiscal officer:

(1) keep the financial and statistical records and submit reports to the Texas Juvenile Justice Department [~~Probation Commission~~] as prescribed by Section 221.007 [~~141.044~~]; and

(2) submit periodic financial and statistical reports to the county commissioners court.

SECTION 3.019. Section 152.0791(g), Human Resources Code, is amended to read as follows:

(g) The juvenile board shall ensure that the chief juvenile officer and fiscal officer:

(1) keep the financial and statistical records and submit reports to the Texas Juvenile Justice Department [~~Probation Commission~~] as prescribed by Section 221.007 [~~141.044~~]; and

(2) submit periodic financial and statistical reports to the commissioners courts.

SECTION 3.020. Section 152.1371(f), Human Resources Code, is amended to read as follows:

(f) The juvenile board shall ensure that the chief juvenile officer and fiscal officer:

(1) keep the financial and statistical records and submit reports to the Texas Juvenile Justice Department [~~Probation Commission~~] as prescribed by Section 221.007 [~~141.044~~]; and

(2) submit periodic financial and statistical reports to the county commissioners court.

SECTION 3.021. Section 152.1431(f), Human Resources Code, is amended to read as follows:

(f) The juvenile board shall ensure that the chief juvenile officer and fiscal officer:

(1) keep the financial and statistical records and submit reports to the Texas Juvenile Justice Department [~~Probation Commission~~] as prescribed by Section 221.007 [~~141.044~~]; and

(2) submit periodic financial and statistical reports to the county commissioners court.

SECTION 3.022. Section 152.2511(f), Human Resources Code, is amended to read as follows:

(f) The juvenile board shall ensure that the chief juvenile officer and fiscal officer:

(1) keep the financial and statistical records and submit reports to the Texas Juvenile Justice Department [~~Probation Commission~~] as prescribed by Section 221.007 [~~141.044~~]; and

(2) submit periodic financial and statistical reports to the county commissioners court.

SECTION 3.023. Section 16.02(e-1), Penal Code, is amended to read as follows:

(e-1) It is a defense to prosecution under Subsection (d)(1) that the electronic, mechanical, or other device is possessed by a person authorized to possess the device under Section 500.008, Government Code, or Section 242.103 [~~61.0455~~], Human Resources Code.

ARTICLE 4. TRANSITION AND EFFECTIVE DATE

SECTION 4.001. (a) Effective December 1, 2011, Subchapters A, B, and H, Chapter 61, Human Resources Code, and Subchapters A and B, Chapter 141, Human Resources Code, are repealed.

(b) Effective December 1, 2011, the Texas Youth Commission and the Texas Juvenile Probation Commission are abolished and the powers and duties of those agencies are transferred to the Texas Juvenile Justice Board and the Texas Juvenile Justice Department in accordance with Title 12, Human Resources Code, as added by this Act.

SECTION 4.002. (a) Not later than December 1, 2011, the governor shall appoint the initial members of the Texas Juvenile Justice Board under Section 202.001, Human Resources Code, as added by this Act. The governor shall appoint:

- (1) four members whose terms expire February 1, 2013;
- (2) four members whose terms expire February 1, 2015; and
- (3) three members whose terms expire February 1, 2017.

(b) The initial members of the Advisory Council on Juvenile Services shall be appointed as provided by Section 203.0081, Human Resources Code, as added by this Act, not later than December 1, 2011. At the first advisory council meeting, the members, other than the ex officio members, shall draw lots to determine the length of each member's initial term and which members' terms expire each year.

SECTION 4.003. (a) All money, records, property, and equipment in the possession of the Texas Youth Commission or the Texas Juvenile Probation Commission on December 1, 2011, shall be transferred to the possession of the Texas Juvenile Justice Department on December 1, 2011, or as soon as possible after that date.

(b) Effective December 1, 2011, a rule adopted by the Texas Youth Commission or the Texas Juvenile Probation Commission is a rule of the Texas Juvenile Justice Department until and unless the Texas Juvenile Justice Board amends or repeals the rule.

(c) Effective December 1, 2011, a memorandum of understanding entered into by the Texas Youth Commission or the Texas Juvenile Probation Commission is binding against the Texas Juvenile Justice Department to the same extent that the memorandum bound the agency that entered into the memorandum of understanding, until and unless the department enters into a new memorandum of understanding that modifies the department's responsibilities.

SECTION 4.004. As soon as practicable after September 1, 2011, the Texas Juvenile Justice Department shall establish the toll-free number for complaints, as required under Section 203.014, Human Resources Code, as added by this Act.

SECTION 4.005. Unless another provision of this Act specifically provides otherwise, the Texas Youth Commission and the Texas Juvenile Probation Commission, as applicable, shall implement each change in law made by this Act, including adopting any necessary or required rule, not later than December 1, 2011.

SECTION 4.006. (a) The validity of a disposition of a child under Title 3, Family Code, made before, on, or after the effective date of this Act is not affected solely because:

(1) the terms of the disposition refer to the Texas Youth Commission or the Texas Juvenile Probation Commission; and

(2) during the time for which the disposition is in effect, the Texas Youth Commission and the Texas Juvenile Probation Commission cease to exist and their powers and duties are transferred, as provided by this Act, to the Texas Juvenile Justice Department.

(b) The action of a juvenile probation department taken in relation to a child before, on, or after the effective date of this Act is not affected solely because:

(1) the terms of the action refer to the Texas Youth Commission or the Texas Juvenile Probation Commission; and

(2) during the time for which the action is in effect, the Texas Youth Commission and the Texas Juvenile Probation Commission cease to exist and their powers and duties are transferred, as provided by this Act, to the Texas Juvenile Justice Department.

(c) The changes in law made by this Act to Title 3, Family Code, are not substantive in nature and apply to conduct by a child that occurs before, on, or after the effective date of this Act.

(d) The disposition of an individual 10 years of age or older and under 21 years of age who was committed to the Texas Youth Commission under Title 3, Family Code, before June 8, 2007, is not affected by Section 201.001(a)(2), Human Resources Code, as added by this Act.

SECTION 4.007. (a) This section applies only to a closed facility on real property owned by the Texas Youth Commission or the Texas Juvenile Justice Department that is located wholly or partly in a county that has a population of less than 100,000.

(b) The Texas Youth Commission or the Texas Juvenile Justice Department may transfer a closed facility to the county or municipality in which the facility is located.

(c) The consideration for the transfer authorized by Subsection (b) of this section is the requirement that the county or municipality use the property transferred only for a purpose that benefits the public interest of the state. If the county or municipality no longer uses the property for a public purpose, ownership of the property automatically reverts to the Texas Juvenile Justice Department.

(d) The Texas Youth Commission or the Texas Juvenile Justice Department shall transfer the property by an appropriate instrument of transfer, executed on the agency's behalf by the commissioner of the General Land Office. The instrument of transfer must:

(1) provide that:

(A) the transferee shall use the property only for a purpose that benefits the public interest of the state; and

(B) ownership of the property will automatically revert to the Texas Juvenile Justice Department if the transferee uses the property for any purpose other than a purpose that benefits the interest of the state;

(2) describe the property to be transferred by metes and bounds; and

(3) exclude from the transfer all mineral interests in and under the property and prohibit any exploration, drilling, or other similar intrusion on the property related to mineral interests.

(e) The Texas Juvenile Justice Department shall retain custody of the instrument of transfer after the instrument of transfer is filed in the real property records of the county in which the property is located.

(f) This section expires September 1, 2017.

SECTION 4.008. This Act takes effect September 1, 2011.

Floor Amendment No. 1

Amend **CSSB 653** in new Chapter 202.001 as follows:

(1) In (a) strike "11" and replace with "13";

(2) In (a)(2) strike "two members who are county judges or commissioners" and insert "three members who are members of a county commissioners court";

(3) In (a)(9) strike "two" and insert "three";

(4) Insert new subsection (e) to read as follows;

(2)(e) The governor shall make appointments to the board for members designated by subsections (a)(1) thru (a)(6) so that no two of those members hold office in the same county or judicial district.

Floor Amendment No. 2

Amend **CSSB 653** on page 20, lines 16 through 18, by striking the existing subsection (h) and inserting the following:

(h) The presiding officer or a member of the board may administer an oath to a witness in attendance before the department or before an authorized representative of the department.

Floor Amendment No. 4

Amend **CSSB 653** in SECTION 1.007 of the bill, by striking amended Section 244.001 (page 108, line 26 through page 109, line 21) and substituting the following:

Sec. 244.001 [~~61.071~~]. INITIAL EXAMINATION. (a) The department [~~commission~~] shall examine and make a study of each child committed to it within three business days [~~as soon as possible~~] after commitment. The study shall be made according to rules established by the board [~~commission~~] and shall include:

- (1) long-term and specialized treatment planning for the child; [~~and~~]
- (2) consideration of the child's:
 - (A) medical history; [~~;~~]
 - (B) substance abuse; [~~;~~ and]
 - (C) treatment history; [~~;~~ including the child's]
 - (D) psychiatric history; [~~and substance abuse history~~]
 - (E) sex offender history; and
 - (F) violent offense history; and

(3) as soon as possible develop a written treatment plan for the child which outlines the specialized treatments needs identified by the study described by this subsection, makes recommendations for meeting the child's specialized treatment needs, and makes an individually tailored statement of treatment goals, objectives and timelines.

(b) For a child for whom a minimum length of stay is established under Section 243.002 [~~61.062~~] of one year or longer, the initial examination must include a comprehensive psychiatric evaluation unless the department had received the results of a comprehensive evaluation of the child conducted not more than 90 days before the date of the initial examination.

(c) The department [~~commission~~] shall administer comprehensive psychological assessments to a child as part of the child's initial examination, including assessments designed to identify whether a child is in need of a psychiatric evaluation. If the results of a child's psychological assessments indicate that the child is in need of a psychiatric evaluation, the department [~~commission~~] shall as soon as practicable conduct a psychiatric evaluation of the child.

(d) The board shall establish rules for the periodic review and re-evaluation of the written treatment plan as described by Subsection (a)(3) of this Section.

Floor Amendment No. 5

Amend **CSSB 653** as follows:

Page 8, line 24, strike "20,000" and insert "80,000."

Page 9, Line 1, strike "20,000" and insert "80,000."

Page 22, Line 13, strike "20,000" and insert "80,000."

Page 22, Line 17, strike "20,000" and insert "80,000."

Floor Amendment No. 6

Amend **CSSB 653** on page 12, line 16, after the word "authority," by inserting "The Chief Juvenile Probation Officer may not vote or render any decisions regarding matters of abuse and neglect presented to the board regarding the Chief Juvenile Probation Officers' department."

Floor Amendment No. 8

Amend **CSSB 653** on page 26, lines 16 after "year." Insert the following, "The department shall share the complaints received on the toll-free number with the OIG and the office of the ombudsman."

Floor Amendment No. 10

Amend **CSSB 653** (house committee printing), on page 39, in section 221.009, by adding the following appropriately numbered section:

() Make a best effort to provide a quantifiable indication of the effect of the programs and services on the outcomes for youths, public safety, and victims providing these benchmarks be updated regularly, made publicly available online and considered by the department in determining funding levels for programs and services.

Floor Amendment No. 11

Amend Floor Amendment No. 10 by Parker to **CSSB 653** by striking all below the floor amendment heading and substituting the following:

Amend **CSSB 653** (house committee printing) in SECTION 1.004 of the bill as follows:

(1) In proposed Section 221.009, Human Resources Code (page 39, line 20), between "(b)" and "~~In addition~~", insert the following:

The board shall make its best effort to develop regularly updated performance measures of the effectiveness of programs and services on outcomes for youths, public safety, and victims, make those measures publicly available online, and use those measures in determining funding levels for programs and services

(2) In proposed Section 221.009, Human Resources Code (page 39, line 25), strike "~~youth~~" and substitute "~~youth~~."

(3) In proposed Section 221.009, Human Resources Code (page 39, line 26), strike "~~(e)~~" and substitute "(c)".

Floor Amendment No. 13

Amend **CSSB 653** (house committee printing) as follows:

(1) On page 32, line 4, between the period and "The" insert "(a)".

(2) On page 32, between lines 10 and 11, insert the following:

(b) The department shall encourage compliance with educational service standards and rights prescribed by state or federal law by:

(1) facilitating interagency coordination and collaboration among juvenile probation departments, school districts, and the Texas Education Agency; and

(2) developing and supporting a plan to ensure continuity of educational services to juvenile offenders, including special educational services for juveniles with disabilities.

Floor Amendment No. 14

Amend Floor Amendment No. 13 by Allen to **CSSB 653**, on page 1, after line 16, by adding the following:

(3) On page 17, between lines 16 and 17, insert the following:

Sec. 203.0065. PREVENTION AND INTERVENTION SERVICES. (a) In this section, "prevention and intervention services" means programs and services intended to prevent or intervene in at-risk behaviors that lead to delinquency, truancy, dropping out of school, or referral to the juvenile justice system.

(b) The department shall provide prevention and intervention services for:

(1) at-risk youth who are 6 years of age or older and younger than 18 years of age and who are:

(A) subject to compulsory school attendance under the Texas Education Code; or

(B) under the jurisdiction of the juvenile court; and

(2) the family of an at-risk youth described by Subdivision (1).

(c) The prevention and intervention services provided under Subsection (b) must:

(1) consolidate prevention and intervention services within the department to avoid fragmentation and duplication of programs and services; and

(2) increase accountability for the delivery and administration of the programs and services.

(d) The department shall, to the extent funds are available:

(1) plan, develop, and administer a comprehensive and unified statewide delivery system of the prevention and intervention services to at-risk youth and their families;

(2) improve the efficiency and responsiveness of prevention and intervention services by facilitating greater coordination and flexibility in the use of funds by state and local service providers;

(3) ensure program effectiveness by funding evidence or research-based programs;

(4) provide accountability for the provision of services in order to demonstrate the impact or public benefit of a program by adopting outcomes measures;

(5) assist local communities in the coordination and development of prevention and intervention services in order to maximize access to federal, state, and local resources; and

(6) provide funding for prevention and intervention services through a competitive process to entities, including private service providers, local juvenile boards, municipal and justice courts, schools, and non-profit organizations.

(e) The department may seek, through a competitive process, an independent services provider with demonstrated experience in administration of similar statewide projects in Texas, to effectively and efficiently provide prevention and intervention services and implement the duties under Subsection (d).

(f) The department shall periodically evaluate the continued effectiveness of prevention and intervention services provided under this section.

Floor Amendment No. 15

Amend **CSSB 653** in SUBTITLE D, SECTION 1.010 of the bill by adding the following appropriately numbered Section to read as follows:

Sec. _____. REPORT TO INDEPENDENT OMBUDSMAN. (a) A local juvenile probation department shall submit a report on a monthly basis to the independent ombudsman of the department describing the complaints received by the local juvenile probation department relating to youth served by the local juvenile probation department.

(b) The board by rule shall establish the procedures for submitting the report to the independent ombudsman and the requirements for the report, including the types of information in the report.

Floor Amendment No. 16

Amend Floor Amendment No. 1 by Madden to **CSSB 653**, by striking all below the floor amendment heading and substituting the following:

Amend **CSSB 653** (house committee printing) as follows:

(1) On page 8, line 12, strike "11" and substitute "13".

(2) On page 8, strike lines 16-17, and substitute "(2) three members who are members of a county commissioners court".

(3) On page 9, line 7, strike "two" and substitute "three".

(4) On page 9, line 9, strike "three or four" and substitute "four or five".

(5) On page 9, between lines 16 and 17, insert the following:

(e) A member appointed under Subsections (a)(1)-(6) may not hold office in the same county or judicial district as another member appointed under those subsections.

(6) On page 190, line 27, strike "three" and substitute "five".

Floor Amendment No. 1 on Third Reading

Amend **CSSB 653** on third reading as follows:

(1) In the SECTION of the bill redesignating and amending Section 246.004, Human Resources Code, in Subsection (c), strike "subchapter" and substitute "chapter [~~subchapter~~]".

(2) In the SECTION of the bill redesignating and amending Section 261.101, Human Resources Code, in Subsection (a)(11), between "local" and "probation", insert "juvenile".

Floor Amendment No. 2 on Third Reading

Amend SECTION 1.004 of **CSSB 653** (house committee substitute) as follows, beginning at line 11 on page 30 (as stated in the House Committee Report printing of C.S.H.B. 1915):

Sec. 221.003(c), Human Resources Code, is amended to read as follows:

(c) ~~((c))~~ Any statement made by a child and any mental health data obtained from the child during the administration of the mental health screening instrument or the initial risk and needs assessment instruments under this section is not admissible against the child at any other hearing. The person administering the mental health screening instrument or initial risk and needs assessment instruments shall inform the child that any statement made by the child and any mental health data obtained from the child during the administration of the instrument is not admissible against the child at any other hearing.

Floor Amendment No. 4 on Third Reading

Amend **CSSB 653** on third reading as follows:

(1) Strike the Section of the bill added by Floor Amendment No. 15 by Veasey (Report to Independent Ombudsman).

(2) In the SECTION of the bill adding Section 203.010, Human Resources Code, after proposed Subsection (c), insert the following:

Sec. _____. Any data compiled by a local juvenile probation department related to abuse, neglect, or exploitation of youth, or to complaints regarding juvenile probation programs, that is required by this Chapter or by any rule to be reported to the department or local juvenile probation board shall be provided to the Office of the Independent Ombudsman.

The amendments were read.

Senator Whitmire moved to concur in the House amendments to **SB 653**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE SENATE BILL 1198 ON SECOND READING

On motion of Senator Rodriguez and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1198** at this time on its second reading:

CSSB 1198, Relating to decedents' estates.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 1198 ON THIRD READING

Senator Rodriguez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1198** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1198**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1198** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE HOUSE BILL 2035 ON SECOND READING

On motion of Senator Jackson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 2035** at this time on its second reading:

CSHB 2035, Relating to the temporary relocation of an alcoholic beverage distributor's or wholesaler's premises during a period of emergency and delivery of alcoholic beverages to a distributor's or wholesaler's premises.

The bill was read second time.

Senator Jackson offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 2035** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in added Section 41.01(c)(3), Alcoholic Beverage Code (page 1, lines 27-28), strike "and the actual shipping costs paid by the consignor".

(2) In SECTION 2 of the bill, in added Section 107.02(a-1)(3), Alcoholic Beverage Code (page 1, lines 40-41), strike "and the actual shipping costs paid by the consignor".

(3) In SECTION 3 of the bill, in added Section 109.62(e), Alcoholic Beverage Code (page 2, line 17), strike "an area assigned" and substitute "the area assigned".

The amendment to **CSHB 2035** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Jackson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSHB 2035 as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

**COMMITTEE SUBSTITUTE
HOUSE BILL 2035 ON THIRD READING**

Senator Jackson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 2035** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSHB 2035**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSHB 2035** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1532 ON SECOND READING**

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1532** at this time on its second reading:

CSSB 1532, Relating to a photograph on a personal identification certificate, driver's license, or commercial driver's license.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1532 ON THIRD READING**

Senator Hinojosa moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1532** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1532**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1532** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1909 ON SECOND READING**

On motion of Senator Lucio and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1909** at this time on its second reading:

CSSB 1909, Relating to The University of Texas at Brownsville, including its partnership agreement with the Texas Southmost College District.

The bill was read second time.

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1909** (senate committee printing) in SECTION 2 of the bill, in amended Section 78.03(a), Education Code (page 1, lines 31-32), by striking "These degree programs should also meet the requirements of the area for economic development".

The amendment to **CSSB 1909** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Lucio and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1909 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 1909 ON THIRD READING

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1909** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1909**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1909** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 2561 ON SECOND READING

On motion of Senator Duncan and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2561** at this time on its second reading:

HB 2561, Relating to the definition of "school year" for purposes of the Teacher Retirement System of Texas.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 2561 ON THIRD READING

Senator Duncan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2561** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **HB 2561**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **HB 2561** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1789 ON SECOND READING

On motion of Senator Patrick and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1789** at this time on its second reading:

SB 1789, Relating to platting requirements affecting subdivision golf courses in certain counties.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 1789 ON THIRD READING

Senator Patrick moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1789** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 1789**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 1789** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1875 ON SECOND READING**

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1875** at this time on its second reading:

CSSB 1875, Relating to the governing body and the powers of the Agua Special Utility District.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1875 ON THIRD READING**

Senator Hinojosa moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1875** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1875**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1875** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE SENATE BILL 1120 ON SECOND READING

On motion of Senator Seliger and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1120** at this time on its second reading:

CSSB 1120, Relating to the exemption from taxation of property of a local government corporation.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 1120 ON THIRD READING

Senator Seliger moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1120** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1120**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1120** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE SENATE BILL 1636 ON SECOND READING

On motion of Senator Davis and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1636** at this time on its second reading:

CSSB 1636, Relating to the collection, analysis, and preservation of sexual assault or DNA evidence.

The bill was read second time.

Senator Davis offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1636** (senate committee printing) as follows:

(1) In SECTION 2 of the bill, in proposed Section 420.003(1-a), Government Code (page 1, line 29), strike "or" and substitute "and".

(2) In SECTION 2 of the bill, in proposed Section 420.003(1-a), Government Code (page 1, line 30), strike "a sexual assault" and substitute "the assault".

(3) In SECTION 2 of the bill, in proposed Section 420.003(1-a), Government Code (page 1, line 31), strike "a law enforcement agency" and substitute "the agency".

(4) In SECTION 5 of the bill, in proposed Section 420.042, Government Code (page 2, line 9), strike "10th" and substitute "30th".

(5) In SECTION 14 of the bill, page 4, line 55, strike "and".

(6) In SECTION 14 of the bill, on page 4, lines 56 through 59, strike Subsection (a)(2) and substitute the following:

(2) not later than April 1, 2012, and subject to the availability of laboratory storage space, submit, as appropriate, to the Department of Public Safety of the State of Texas or a public accredited crime laboratory, as defined by Section 420.003, Government Code, as amended by this Act, all sexual assault evidence pertaining to those active criminal cases that has not yet been submitted for laboratory analysis; and

(3) if the law enforcement agency submits evidence under Subdivision (2) of this subsection to a laboratory other than a Department of Public Safety of the State of Texas laboratory, notify the department of:

(A) the laboratory to which the evidence was sent; and

(B) any analysis completed by the laboratory to which the evidence was sent and the date on which the analysis was completed.

(7) In SECTION 14 of the bill, on page 4, line 67, strike "to the department".

(8) In SECTION 14 of the bill, on page 5, between lines 15 and 16, insert the following:

(d) Notwithstanding Subsection (c) of this section, the Department of Public Safety of the State of Texas is not required to use under this section in a state fiscal year any amount of money from the state highway fund that exceeds the amount the department has historically used in a state fiscal year to fund laboratory analyses of sexual assault evidence under Chapter 420, Government Code, as amended by this Act. To supplement funding of those analyses, the department may solicit and receive grants, gifts, or appropriations of money from the federal government, the state legislature, or private sources as described by that section.

(9) Add the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. The Department of Public Safety of the State of Texas is required to implement this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the department may, but is not required to, implement this Act using other appropriations for that purpose.

The amendment to **CSSB 1636** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Davis and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1636 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1636 ON THIRD READING**

Senator Davis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1636** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1636**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1636** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 956 ON SECOND READING**

On motion of Senator Seliger and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 956** at this time on its second reading:

CSSB 956, Relating to the creation of the Northern Dallam County Groundwater Conservation District; providing authority to impose a tax and issue bonds.

The bill was read second time.

Senator Seliger offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 956** (senate committee printing) as follows:

(1) In SECTION 1, SUBCHAPTER D of the bill, after added section 8853.151(b) (page ___, line ___) insert the following:

8853.151(c) AD VALOREM TAX RATE. The district may not impose ad valorem taxes at a rate that exceeds 1.5 cents on each \$100 valuation of taxable property in the district.

The amendment to **CSSB 956** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Seliger and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 956 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 956 ON THIRD READING

Senator Seliger moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 956** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 956**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 956** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1731 ON SECOND READING

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1731** at this time on its second reading:

SB 1731, Relating to requiring public junior colleges to offer an academic associate degree program.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 1731 ON THIRD READING

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1731** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 1731**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 1731** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE SENATE BILL 1743 ON SECOND READING

On motion of Senator Fraser and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1743** at this time on its second reading:

CSSB 1743, Relating to access by members of certain electric cooperatives to meetings of the boards of directors and certain information of the electric cooperatives.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1743 ON THIRD READING**

Senator Fraser moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1743** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1743**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1743** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1742 ON SECOND READING**

Senator Fraser moved to suspend the regular order of business to take up for consideration **CSSB 1742** at this time on its second reading:

CSSB 1742, Relating to the operation of plug-in electric motor vehicles.

The motion prevailed.

Senator Ellis asked to be recorded as "Present-not voting" on suspension of the regular order of business.

The bill was read second time.

Senator Fraser offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1742**, in SECTION 1 of the bill, in proposed Section 224.153(e), Transportation Code (Committee Printing, page 1, line 18), by striking "impair the receipt of federal funds" and substituting "violate federal transit or highway funding restrictions".

The amendment to **CSSB 1742** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 except as follows:

Present-not voting: Ellis.

On motion of Senator Fraser and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1742 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Hegar.

Present-not voting: Ellis.

**COMMITTEE SUBSTITUTE
SENATE BILL 1742 ON THIRD READING**

Senator Fraser moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1742** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 2, Present-not voting 1.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Eltife, Estes, Fraser, Gallegos, Harris, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Hegar, Wentworth.

Present-not voting: Ellis.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1742**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has

already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1742** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1, Present-not voting 1.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Eltife, Estes, Fraser, Gallegos, Harris, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Hegar.

Present-not voting: Ellis.

STATEMENT OF LEGISLATIVE INTENT

Senators Williams and Fraser submitted the following statement of legislative intent for **CSSB 1742**:

Senator Williams: Senator Fraser, from remarks and testimony in committee, I would like to confirm that this bill is not intended to prohibit the state or a local government from operating high occupancy transit or managed lanes under federal and state regulations.

Senator Fraser: That is correct.

WILLIAMS

FRASER

COMMITTEE SUBSTITUTE SENATE BILL 1032 ON SECOND READING

On motion of Senator Seliger and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1032** at this time on its second reading:

CSSB 1032, Relating to the licensure and regulation of equine dental providers; providing penalties.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1032 ON THIRD READING**

Senator Seliger moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1032** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1032**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1032** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 546 ON SECOND READING**

Senator Deuell moved to suspend the regular order of business to take up for consideration **CSSB 546** at this time on its second reading:

CSSB 546, Relating to the dispensing of certain drugs by physicians.

The motion prevailed by the following vote: Yeas 21, Nays 10.

Yeas: Birdwell, Carona, Deuell, Ellis, Eltife, Estes, Harris, Hegar, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Watson, West, Whitmire, Zaffirini.

Nays: Davis, Duncan, Fraser, Gallegos, Hinojosa, Shapiro, Uresti, Van de Putte, Wentworth, Williams.

The bill was read second time and was passed to engrossment by the following vote: Yeas 17, Nays 14.

Yeas: Birdwell, Deuell, Ellis, Eltife, Estes, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, West, Zaffirini.

Nays: Carona, Davis, Duncan, Fraser, Gallegos, Hinojosa, Lucio, Shapiro, Uresti, Van de Putte, Watson, Wentworth, Whitmire, Williams.

ACKNOWLEDGMENT

The Presiding Officer, Senator Eltife in Chair, acknowledged the presence of Governor Rick Perry.

The Senate welcomed its guest.

COMMITTEE SUBSTITUTE SENATE BILL 1882 ON SECOND READING

On motion of Senator Patrick and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1882** at this time on its second reading:

CSSB 1882, Relating to the creation of Harris County Improvement District No. 22; providing authority to levy an assessment, impose a tax, and issue bonds.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 1882 ON THIRD READING

Senator Patrick moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1882** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1882**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1882** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed.

Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

BILLS AND RESOLUTIONS SIGNED

The Presiding Officer announced the signing of the following enrolled bills and resolutions in the presence of the Senate after the captions had been read:

SB 257, SB 360, SB 396, SB 398, SB 410, SB 428, SB 483, SB 934, SB 1086, SB 1147, SB 1258, SB 1269, HB 905, HB 1808, HCR 9, HCR 104, HCR 105, HCR 106, HCR 107, HCR 108, HCR 111, HCR 112, HCR 113.

(President in Chair)

COMMITTEE SUBSTITUTE SENATE BILL 570 ON SECOND READING

Senator Shapiro moved to suspend the regular order of business to take up for consideration **CSSB 570** at this time on its second reading:

CSSB 570, Relating to beginning teacher induction and mentoring programs for public schools.

The motion prevailed.

Senator Birdwell asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Birdwell.

COMMITTEE SUBSTITUTE SENATE BILL 570 ON THIRD READING

Senator Shapiro moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 570** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 570**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 570** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1.

Nays: Birdwell.

COMMITTEE SUBSTITUTE SENATE BILL 1579 ON SECOND READING

Senator Ogden moved to suspend the regular order of business to take up for consideration **CSSB 1579** at this time on its second reading:

CSSB 1579, Relating to state fiscal matters related to general government.

The motion prevailed by the following vote: Yeas 28, Nays 3.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Hegar, Hinojosa, Huffman, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Harris, Jackson.

The bill was read second time.

Senator Ogden offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1579** (Senate committee printing) in ARTICLE 9 of the bill as follows:

(1) In SECTION 9.01 of the article, in amended Section 305.005(c)(1), Government Code (page 5, lines 55 and 56), strike "an amount prescribed by the General Appropriations Act of not more than \$200 and not less than \$100" and substitute "\$150 [~~\$100~~"].

(2) In SECTION 9.01 of the article, in amended Section 305.005(c)(2), Government Code (page 5, lines 59 and 60), strike "an amount prescribed by the General Appropriations Act of not more than \$100 and not less than \$50" and substitute "\$75 [~~\$50~~"]".

(3) In SECTION 9.01 of the article, in amended Section 305.005(c)(3), Government Code (page 5, lines 63 and 64), strike "an amount prescribed by the General Appropriations Act of not more than \$1,000 and not less than \$500" and substitute "\$750 [~~\$500~~"]".

The amendment to **CSSB 1579** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 except as follows:

Nays: Birdwell, Fraser, Harris, Jackson.

Senator Ogden offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 1579** (senate committee printing) in ARTICLE 10 of the bill as follows:

(1) In the heading to ARTICLE 10 (page 5, line 66) strike "FEE" and substitute "PREMIUM DIFFERENTIAL".

(2) Strike added Section 1551.3075, Insurance Code (page 6, lines 1-12) and substitute the following:

Sec. 1551.3075. TOBACCO USER PREMIUM DIFFERENTIAL. (a) The board of trustees shall assess each participant in a health benefit plan provided under the group benefits program who uses one or more tobacco products a tobacco user premium differential, to be paid in monthly installments. Except as provided by Subsection (b), the board of trustees shall determine the amount of the monthly installments of the premium differential.

(b) If the General Appropriations Act for a state fiscal biennium sets the amount of the monthly installments of the tobacco user premium differential for that biennium, the board of trustees shall assess the premium differential during that biennium in the amount prescribed by the General Appropriations Act.

(3) In SECTION 10.02 of the bill, in added Section 1551.314(2), Insurance Code (page 6, line 22) strike "fee" and substitute "premium differential".

(4) In SECTION 10.03 of the bill (page 6, line 25) strike "fee" and substitute "premium differential".

The amendment to **CSSB 1579** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 2 except as follows:

Nays: Birdwell, Fraser, Harris, Jackson.

Senator Ogden offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 1579** (Senate committee printing) in ARTICLE 12 of the bill as follows:

(1) In SECTION 12.01 of the article, in added Section 403.105(b-1), Government Code (page 13, lines 10 through 11), strike "The legislature may appropriate money in the fund, including the available earnings" and substitute "Notwithstanding the limitations and requirements of Section 403.1068, the legislature may appropriate money in the fund, including the corpus and available earnings".

(2) In SECTION 12.02 of the article, in added Section 403.1055(b-1), Government Code (page 13, lines 23 through 24), strike "The legislature may appropriate money in the fund, including the available earnings" and substitute "Notwithstanding the limitations and requirements of Section 403.1068, the legislature may appropriate money in the fund, including the corpus and available earnings".

(3) In SECTION 12.03 of the article, in added Section 403.106(b-1), Government Code (page 13, lines 36 through 37), strike "The legislature may appropriate money in the fund, including the available earnings" and substitute "Notwithstanding the limitations and requirements of Section 403.1068, the legislature may appropriate money in the fund, including the corpus and available earnings".

The amendment to **CSSB 1579** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 3 except as follows:

Nays: Birdwell, Fraser, Harris, Jackson.

Senator Nichols offered the following amendment to the bill:

Floor Amendment No. 4

Amend **CSSB 1579** (senate committee printing) in SECTION 4.04 of the bill, by striking amended Section 371.051, Transportation Code (page 3, lines 8 through 23), and substituting the following:

Sec. 371.051. ATTORNEY GENERAL REVIEW AND EXAMINATION FEE.

(a) A toll project entity may not enter into a comprehensive development agreement unless the attorney general reviews the proposed agreement and determines that it is legally sufficient.

(b) A toll project entity shall pay a nonrefundable examination fee to the attorney general on submitting a proposed comprehensive development agreement for review. At the time the examination fee is paid, the toll project entity shall also submit for review a complete transcript of proceedings related to the comprehensive development agreement.

(c) If the toll project entity submits multiple proposed comprehensive development agreements relating to the same toll project for review, the entity shall pay the examination fee under Subsection (b) for each proposed comprehensive development agreement.

(d) The attorney general shall provide a legal sufficiency determination not later than the 60th business day after the date the examination fee and transcript of the proceedings required under Subsection (b) are received. If the attorney general cannot

provide a legal sufficiency determination within the 60-business-day period, the attorney general shall notify the toll project entity in writing of the reason for the delay and may extend the review period for not more than 30 business days.

(e) After the attorney general issues a legal sufficiency determination, a toll project entity may supplement the transcript of proceedings or amend the comprehensive development agreement to facilitate a redetermination by the attorney general of the prior legal sufficiency determination issued under this section.

(f) The toll project entity may collect or seek reimbursement of the examination fee under Subsection (b) from the private participant.

(g) The attorney general by rule shall set the examination fee required under Subsection (b) in a reasonable amount and may adopt other rules as necessary to implement this section. The fee may not be set in an amount that is determined by a percentage of the cost of the toll project. The amount of the fee may not exceed reasonable attorney's fees charged for similar legal services in the private sector.

The amendment to **CSSB 1579** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 4 except as follows:

Nays: Birdwell, Fraser, Harris, Nichols.

Senator Wentworth offered the following amendment to the bill:

Floor Amendment No. 5

Amend **CSSB 1579** (senate committee printing) by striking ARTICLE 8 of the bill (page 5, lines 32 through 49) and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly.

The amendment to **CSSB 1579** was read and was adopted by the following vote: Yeas 27, Nays 4.

Yeas: Birdwell, Carona, Davis, Deuell, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Watson, Wentworth, Whitmire, Williams, Zaffirini.

Nays: Duncan, Hegar, Van de Putte, West.

Senator Estes offered the following amendment to the bill:

Floor Amendment No. 6

Amend **CSSB 1579** (senate committee printing) in ARTICLE 8 of the bill, after SECTION 8.02 (page 5, between lines 49 and 50), by inserting the following appropriately numbered SECTIONS:

SECTION 8.__. Section 81.113, Government Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) The state bar shall credit an attorney licensed in this state with meeting the minimum continuing legal education requirements of the state bar for a reporting year if during the reporting year the attorney is employed full-time as an attorney by the office of the attorney general. An attorney credited for continuing legal education

under this subsection must meet the continuing legal education requirements of the state bar in legal ethics or professional responsibility. This subsection expires January 1, 2016.

SECTION 8. __. Subchapter A, Chapter 402, Government Code, is amended by adding Section 402.010 to read as follows:

Sec. 402.010. CONTINUING LEGAL EDUCATION PROGRAMS. The office of the attorney general shall recognize, prepare, or administer continuing legal education programs that meet continuing legal education requirements imposed under Section 81.113(c) for the attorneys employed by the office. This section expires January 1, 2016.

SECTION 8. __. Section 81.113, Government Code, as amended by this article, applies only to the requirements for a continuing legal education compliance year that ends on or after September 1, 2011. The requirements for continuing legal education for a compliance year that ends before September 1, 2011, are covered by the law and rules in effect when the compliance year ended, and that law and those rules are continued in effect for that purpose.

The amendment to **CSSB 1579** was read.

Senator Duncan offered the following amendment to Floor Amendment No. 6:

Floor Amendment No. 7

Amend Floor Amendment No. 6 by Estes to **CSSB 1579** as follows:

(1) In proposed SECTION 8. __ of the amendment (page 1, line 15), strike "2016" and substitute "2014".

(2) In proposed SECTION 8. __ of the amendment (page 1, line 23), strike "2016" and substitute "2014".

The amendment to Floor Amendment No. 6 to **CSSB 1579** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 7.

Question recurring on the adoption of Floor Amendment No. 6 as amended to **CSSB 1579**, the amendment was adopted by the following vote: Yeas 27, Nays 4.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, West, Whitmire, Williams, Zaffirini.

Nays: Nelson, Nichols, Watson, Wentworth.

Senator Hinojosa offered the following amendment to the bill:

Floor Amendment No. 8

Amend **CSSB 1579** (senate committee printing) by striking ARTICLE 11 of the bill (page 6, line 28, through page 13, line 2) and substituting the following:

ARTICLE 11. REGIONAL POISON CONTROL CENTER MANAGEMENT
CONTROLS AND EFFICIENCY

SECTION 11.01. Section 777.001, Health and Safety Code, is amended by amending Subsections (a) and (c) and adding Subsection (d) to read as follows:

(a) The following medical facilities may be ~~[Six regional centers for poison control are]~~ designated by the Commission on State Emergency Communications as the regional poison control centers for the state ~~[as follows]:~~

- (1) The University of Texas Medical Branch at Galveston;
- (2) the Dallas County Hospital District/North Texas Poison Center;
- (3) The University of Texas Health Science Center at San Antonio;
- (4) the University Medical Center of El Paso, El Paso County Hospital

District;

- (5) the Texas Tech University Health Sciences Center at Amarillo; and
- (6) Scott and White Memorial Hospital, Temple, Texas.

(c) The Commission on State Emergency Communications may standardize the operations of and implement management controls to improve the efficiency of regional poison control centers ~~[vote to designate a seventh regional or satellite poison control center in Harris County. That poison control center is subject to all provisions of this chapter and other law relating to regional poison control centers].~~

(d) If the commission implements management controls under Subsection (c), the commission shall submit to the governor and the Legislative Budget Board a plan for implementing the controls not later than October 31, 2011. This subsection expires January 1, 2013.

SECTION 11.02. Section 777.008(b), Health and Safety Code, is amended to read as follows:

(b) The committee is composed of:

(1) one public member appointed by the Commission on State Emergency Communications;

(2) one member ~~[six members who represent the six regional poison control centers, one]~~ appointed by the chief executive officer of each designated regional poison control center to represent that center;

(3) one member appointed by the commissioner of the Department of State Health Services; and

(4) one member who is a health care professional designated as the poison control program coordinator appointed by the Commission on State Emergency Communications.

The amendment to **CSSB 1579** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 8 except as follows:

Nays: Birdwell, Fraser, Harris, Jackson.

Senator Watson offered the following amendment to the bill:

Floor Amendment No. 9

Amend **CSSB 1579**, in SECTION 13.01, Section 481.078 Government Code (Committee Printing page 13, between lines 62 and 63), add a new Subsection (d-2) to read as follows:

(d-2) The fund may be used for the Jobs and Education for Texans Fund established under Chapter 403 Government Code. Subsections (e-1), (f), (g), (h), (i), and (j) and Section 481.080 do not apply to a grant awarded for a purpose specified by this subsection.

The amendment to **CSSB 1579** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 9 except as follows:

Nays: Birdwell, Fraser, Harris, Jackson.

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 10

Amend **CSSB 1579** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION 1. Subchapter C, Chapter 2054, Government Code, is amended by adding Section 2054.0526 to read as follows:

Sec. 2054.0526. SOFTWARE DEVELOPMENT, HOSTING, AND MANAGEMENT. (a) In this section, "state agency" means a department, commission, board, office, council, authority, or other agency in the executive, legislative, or judicial branch of state government that is created by the constitution or a statute of this state, including a university system or institution of higher education as defined by Section 61.003, Education Code.

(b) The department shall:

(1) provide for the coordinated development, hosting, and management of computer software for state agencies; and

(2) develop and implement a comprehensive plan for the coordinated development, hosting, and management systems of software used by state agencies that eliminates duplicative responsibilities with respect to software development, hosting, and management.

SECTION 2. This Act takes effect September 1, 2011.

The amendment to **CSSB 1579** was read.

Senator Lucio temporarily withdrew Floor Amendment No. 10.

Senator Patrick offered the following amendment to the bill:

Floor Amendment No. 11

Amend **CSSB 1579** in SECTION 7.01 of the bill (page 5, line 28) by inserting the following after the period:

"A fee assessed under this subsection may not exceed a total amount of \$1,000."

The amendment to **CSSB 1579** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 11.

Senator Lucio again offered the following amendment to the bill:

Floor Amendment No. 10

Amend **CSSB 1579** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION 1. Subchapter C, Chapter 2054, Government Code, is amended by adding Section 2054.0526 to read as follows:

Sec. 2054.0526. SOFTWARE DEVELOPMENT, HOSTING, AND MANAGEMENT. (a) In this section, "state agency" means a department, commission, board, office, council, authority, or other agency in the executive, legislative, or judicial branch of state government that is created by the constitution or a statute of this state, including a university system or institution of higher education as defined by Section 61.003, Education Code.

(b) The department shall:

(1) provide for the coordinated development, hosting, and management of computer software for state agencies; and

(2) develop and implement a comprehensive plan for the coordinated development, hosting, and management systems of software used by state agencies that eliminates duplicative responsibilities with respect to software development, hosting, and management.

SECTION 2. This Act takes effect September 1, 2011.

The amendment to **CSSB 1579** was again read.

Senator Lucio withdrew Floor Amendment No. 10.

Senator Ogden offered the following amendment to the bill:

Floor Amendment No. 12

Amend **CSSB 1579** (senate committee printing) by striking ARTICLE 1 of the bill (page 1, lines 11 through 38) and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly.

The amendment to **CSSB 1579** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 12 except as follows:

Nays: Birdwell, Fraser, Harris, Jackson.

On motion of Senator Ogden and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1579 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Birdwell, Fraser, Harris, Jackson.

**COMMITTEE SUBSTITUTE
SENATE BILL 1579 ON THIRD READING**

Senator Ogden moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1579** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 5.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Gallegos, Hegar, Hinojosa, Huffman, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Fraser, Harris, Jackson, Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1579**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1579** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 27, Nays 4.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Gallegos, Hegar, Hinojosa, Huffman, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Fraser, Harris, Jackson.

**COMMITTEE SUBSTITUTE
SENATE BILL 1583 ON SECOND READING**

Senator Ogden moved to suspend the regular order of business to take up for consideration **CSSB 1583** at this time on its second reading:

CSSB 1583, Relating to state fiscal matters.

The motion prevailed.

Senators Birdwell, Carona, Fraser, Jackson, Nelson, and Nichols asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Watson offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1583** as follows:

(1) In SECTION 4.01 of the bill, (page 2, immediately following line 69), insert the following:

(f) Subsection (e) of this Section expires on September 1, 2013, at which time the fees in Subsection (b) shall revert to the amount assessed immediately before September 1, 2011.

The amendment to **CSSB 1583** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 except as follows:

Nays: Jackson.

Senator Ogden offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 1583** (senate committee printing) by striking ARTICLE 1 of the bill (page 1, lines 11 through 38) and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly.

The amendment to **CSSB 1583** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 2 except as follows:

Nays: Jackson.

On motion of Senator Ogden and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1583 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Birdwell, Carona, Fraser, Jackson, Nelson, Nichols.

**COMMITTEE SUBSTITUTE
SENATE BILL 1583 ON THIRD READING**

Senator Ogden moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1583** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 6.

Yeas: Davis, Deuell, Duncan, Ellis, Eltife, Estes, Gallegos, Harris, Hegar, Hinojosa, Huffman, Lucio, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Carona, Fraser, Jackson, Nelson, Nichols.

The bill was read third time and was passed by the following vote: Yeas 25, Nays 6. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 1584 ON SECOND READING**

Senator Ogden moved to suspend the regular order of business to take up for consideration **CSSB 1584** at this time on its second reading:

CSSB 1584, Relating to state fiscal matters related to natural resources and the environment.

The motion prevailed.

Senators Fraser and Jackson asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Ogden offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1584** (senate committee printing) by adding the following appropriately numbered SECTIONS to ARTICLE 6 of the bill and renumbering subsequent SECTIONS of ARTICLE 6 of the bill accordingly:

SECTION 6. __. The heading to Section 121.211, Utilities Code, is amended to read as follows:

Sec. 121.211. PIPELINE SAFETY AND REGULATORY FEES.

SECTION 6. __. Sections 121.211(a), (b), (c), (d), (e), and (h), Utilities Code, are amended to read as follows:

(a) The railroad commission by rule may adopt a ~~[an inspection]~~ fee to be assessed annually against operators of natural gas distribution pipelines and their pipeline facilities and natural gas master metered pipelines and their pipeline facilities subject to this title ~~[chapter]~~.

(b) The railroad commission by rule shall establish the method by which the fee will be calculated and assessed. In adopting a fee structure, the railroad commission may consider any factors necessary to provide for the equitable allocation among operators of the costs of administering the railroad commission's pipeline safety and regulatory program under this title ~~[chapter]~~.

(c) The total amount of fees estimated to be collected under rules adopted by the railroad commission under this section may not exceed the amount estimated by the railroad commission to be necessary to recover the costs of administering the railroad commission's pipeline safety and regulatory program under this title ~~[chapter]~~, excluding costs that are fully funded by federal sources.

(d) The commission may assess each operator of a natural gas distribution system subject to this title [~~chapter~~] an annual [~~inspection~~] fee not to exceed one dollar for each service line reported by the system on the Distribution Annual Report, Form RSPA F7100.1-1, due on March 15 of each year. The fee is due March 15 of each year.

(e) The railroad commission may assess each operator of a natural gas master metered system subject to this title [~~chapter~~] an annual [~~inspection~~] fee not to exceed \$100 for each master metered system. The fee is due June 30 of each year.

(h) A fee collected under this section shall be deposited to the credit of the general revenue fund to be used for the pipeline safety and regulatory program.

The amendment to **CSSB 1584** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

Senator Seliger offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 1584** as follows:

(1) In ARTICLE 6, SECTION 6.02 of the bill, in added section 81.070, Natural Resources Code, (page 12, line 27), insert:

(f) A surcharge collected under this section shall not exceed an amount equal to 185 percent of the fee on which it is imposed."

The amendment to **CSSB 1584** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 2.

Senator Ellis offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 1584** (senate committee report) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . TEMPORARY EXEMPTION OR TAX REDUCTION FOR
CERTAIN HIGH-COST GAS

SECTION ____ .01. Section 201.057(f), Tax Code, is amended to read as follows:

(f) To qualify for the exemption or tax reduction provided by this section, the person responsible for paying the tax must apply to the comptroller. Notwithstanding any other provision of this section, the application must be filed with the comptroller before September 1, 2011. The application must contain the certification of the commission that the well produces high-cost gas and, if the application is for a well spudded or completed after September 1, 1995, must contain a report of drilling and completion costs incurred for each well on a form and in the detail as determined by the comptroller. Drilling and completion costs for a recompletion shall only include current and contemporaneous costs associated with the recompletion. Notwithstanding any other provision of this section, to obtain the maximum tax exemption or tax deduction, an application to the comptroller for certification

according to Subsection (a)(2)(A) must be filed with the comptroller before September 1, 2011, and at the later of the 180th day after the date of first production or the 45th day after the date of approval by the commission. If the application is not filed by the applicable deadline to obtain the maximum tax exemption or tax deduction but is filed before September 1, 2011, the tax exemption or tax deduction is reduced by 10 percent for the period beginning on the 180th day after the first day of production and ending on the date on which the application is filed with the comptroller. An application to the comptroller for certification according to Subsection (a)(2)(B) may not be filed before January 1, 1990, or after December 31, 1998. The comptroller shall approve the application of a person who demonstrates that the gas is eligible for the exemption or tax reduction. The comptroller may require a person applying for the exemption or tax reduction to provide any relevant information in the person's monthly report that the comptroller considers necessary to administer this section. The commission shall notify the comptroller in writing immediately if it determines that an oil or gas well previously certified as producing high-cost gas does not produce high-cost gas or if it takes any action or discovers any information that affects the eligibility of gas for an exemption or tax reduction under this section.

SECTION _____.02. The change in law made by this article does not affect tax liability accruing before the effective date of this Act. That liability continues in effect as if this article had not been enacted, and the former law is continued in effect for the collection of taxes due and for civil and criminal enforcement of the liability for those taxes.

The amendment to **CSSB 1584** was read.

Senator Ellis withdrew Floor Amendment No. 3.

Senator Ogden offered the following amendment to the bill:

Floor Amendment No. 4

Amend **CSSB 1584** (senate committee printing) by striking ARTICLE 1 of the bill (page 1, lines 12 through 39) and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly.

The amendment to **CSSB 1584** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 4.

On motion of Senator Ogden and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1584 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Fraser, Jackson.

**SENATE RULE 11.10(a) SUSPENDED
(Public Notice of Committee Meetings)**

On motion of Senator Duncan and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on State Affairs might meet today.

**SENATE RULES SUSPENDED
(Posting Rules)**

On motion of Senator Williams and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Transportation and Homeland Security might meet and consider **SB 1572** today.

**SENATE RULES SUSPENDED
(Posting Rules)**

On motion of Senator Wentworth and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Open Government might meet and consider **SB 1826** today.

**SENATE RULE 11.10(a) SUSPENDED
(Public Notice of Committee Meetings)**

On motion of Senator Van de Putte and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on Veteran Affairs and Military Installations might meet today.

**SENATE RULE 11.10(a) SUSPENDED
(Public Notice of Committee Meetings)**

On motion of Senator Jackson and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on Economic Development might meet today.

**SENATE RULES SUSPENDED
(Posting Rules)**

On motion of Senator Uresti and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Administration might meet and consider the following resolutions tomorrow:

SJR 31, SJR 47, SJR 48.

**SENATE RULE 11.13 SUSPENDED
(Consideration of Bills in Committees)**

On motion of Senator Whitmire and by unanimous consent, Senate Rule 11.13 was suspended to grant all committees permission to meet while the Senate was meeting today.

MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 3:03 p.m. agreed to adjourn, upon completion of the introduction of bills and resolutions on first reading, until 10:00 a.m. tomorrow.

HOUSE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions received from the House were read first time and referred to the committees indicated:

- HB 90** to Committee on Transportation and Homeland Security.
- HB 114** to Committee on Administration.
- HB 123** to Committee on Health and Human Services.
- HB 554** to Committee on Intergovernmental Relations.
- HB 557** to Committee on Transportation and Homeland Security.
- HB 592** to Committee on Jurisprudence.
- HB 633** to Committee on Criminal Justice.
- HB 1113** to Committee on Criminal Justice.
- HB 1137** to Committee on Criminal Justice.
- HB 1144** to Committee on Intergovernmental Relations.
- HB 1199** to Committee on Criminal Justice.
- HB 1253** to Committee on State Affairs.
- HB 1291** to Committee on Transportation and Homeland Security.
- HB 1314** to Committee on Jurisprudence.
- HB 1345** to Committee on Criminal Justice.
- HB 1401** to Committee on Business and Commerce.
- HB 1402** to Committee on Criminal Justice.
- HB 1615** to Committee on Health and Human Services.
- HB 1622** to Committee on Criminal Justice.
- HB 1643** to Committee on Economic Development.
- HB 1789** to Committee on State Affairs.
- HB 1805** to Committee on Education.
- HB 1830** to Committee on Jurisprudence.
- HB 1959** to Committee on Business and Commerce.
- HB 2028** to Committee on Jurisprudence.
- HB 2069** to Committee on Health and Human Services.
- HB 2189** to Committee on Agriculture and Rural Affairs.
- HB 2256** to Committee on Transportation and Homeland Security.
- HB 2265** to Committee on Intergovernmental Relations.
- HB 2280** to Committee on Natural Resources.
- HB 2310** to Committee on Jurisprudence.
- HB 2312** to Committee on Health and Human Services.
- HB 2313** to Committee on Open Government.
- HB 2370** to Committee on Health and Human Services.
- HB 2387** to Committee on Intergovernmental Relations.
- HB 2393** to Committee on Business and Commerce.
- HB 2422** to Committee on Jurisprudence.
- HB 2471** to Committee on Agriculture and Rural Affairs.
- HB 2490** to Committee on Business and Commerce.
- HB 2516** to Committee on Intergovernmental Relations.
- HB 2519** to Committee on Transportation and Homeland Security.
- HB 2599** to Committee on Finance.
- HB 2608** to Committee on Government Organization.

- HB 2628** to Committee on Transportation and Homeland Security.
HB 2630 to Committee on Higher Education.
HB 2643 to Committee on Business and Commerce.
HB 2711 to Committee on Criminal Justice.
HB 2727 to Committee on Business and Commerce.
HB 2758 to Committee on Higher Education.
HB 2770 to Committee on Transportation and Homeland Security.
HB 2790 to Committee on Transportation and Homeland Security.
HB 2847 to Committee on Criminal Justice.
HB 2851 to Committee on Veteran Affairs and Military Installations.
HB 2853 to Committee on Economic Development.
HB 2911 to Committee on Higher Education.
HB 2978 to Committee on Open Government.
HB 2981 to Committee on Transportation and Homeland Security.
HB 2999 to Committee on Higher Education.
HB 3033 to Committee on State Affairs.
HB 3076 to Committee on Intergovernmental Relations.
HB 3093 to Committee on State Affairs.
HB 3099 to Committee on Transportation and Homeland Security.
HB 3146 to Committee on Health and Human Services.
HB 3179 to Committee on Veteran Affairs and Military Installations.
HB 3207 to Committee on Health and Human Services.
HB 3246 to Committee on Intergovernmental Relations.
HB 3270 to Committee on State Affairs.
HB 3307 to Committee on Open Government.
HB 3309 to Committee on Transportation and Homeland Security.
HB 3342 to Committee on Health and Human Services.
HB 3384 to Committee on Criminal Justice.
HB 3409 to Committee on State Affairs.
HB 3478 to Committee on Criminal Justice.
HB 3547 to Committee on Health and Human Services.
HB 3570 to Committee on Business and Commerce.
HB 3616 to Committee on Administration.
HB 3674 to Committee on Jurisprudence.
HB 3708 to Committee on Higher Education.
HB 3814 to Committee on Intergovernmental Relations.
HB 3815 to Committee on Intergovernmental Relations.
HB 3818 to Committee on Natural Resources.
HB 3819 to Committee on Intergovernmental Relations.
HB 3821 to Committee on Intergovernmental Relations.
HB 3827 to Committee on Intergovernmental Relations.
HB 3828 to Committee on Intergovernmental Relations.
HB 3831 to Committee on Intergovernmental Relations.
HB 3834 to Committee on Intergovernmental Relations.
HB 3835 to Committee on Jurisprudence.
HB 3836 to Committee on Intergovernmental Relations.

HB 3847 to Committee on Natural Resources.

HB 3857 to Committee on Intergovernmental Relations.

HCR 90 to Committee on Administration.

HJR 98 to Committee on Criminal Justice.

HJR 130 to Committee on Higher Education.

CO-AUTHORS OF SENATE BILL 34

On motion of Senator Zaffirini, Senators Deuell and Rodriguez will be shown as Co-authors of **SB 34**.

CO-AUTHOR OF SENATE BILL 105

On motion of Senator Davis, Senator Nelson will be shown as Co-author of **SB 105**.

CO-AUTHORS OF SENATE BILL 1636

On motion of Senator Davis, Senators Van de Putte, West, and Zaffirini will be shown as Co-authors of **SB 1636**.

CO-AUTHOR OF SENATE BILL 1742

On motion of Senator Fraser, Senator West will be shown as Co-author of **SB 1742**.

CO-SPONSOR OF HOUSE BILL 2035

On motion of Senator Jackson, Senator Williams will be shown as Co-sponsor of **HB 2035**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolution

SR 923 by Wentworth, In memory of George E. Freeborn of San Antonio.

Congratulatory Resolutions

SR 922 by Wentworth, Recognizing BDI on the occasion of its 100th anniversary.

SR 926 by Ellis, Recognizing Ruben Davis for his 15 years as constable of Precinct 2 in Fort Bend County.

SR 927 by Eltife, Recognizing Jerry Boatner for his 30 years of service to Mount Pleasant.

Official Designation Resolution

SR 907 by Williams, Recognizing May 5, 2011, as Helmet Safety Day.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 3:10 p.m. adjourned until 10:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Secretary of the Senate in the order listed:

May 5, 2011

REDISTRICTING — SB 196

INTERNATIONAL RELATIONS AND TRADE — SB 1926

ADMINISTRATION — HB 11, HB 2131

JURISPRUDENCE — SB 1643, HB 734, HB 841, HB 994, HB 1404, HB 1889, HB 2935, HB 2936

ECONOMIC DEVELOPMENT — HB 479, HB 1263, HB 2785, HB 2831

STATE AFFAIRS — CSSB 1866

NATURAL RESOURCES — CSHB 2694

GOVERNMENT ORGANIZATION — HB 266, HB 328, HB 1861, HB 2251, HB 2866

STATE AFFAIRS — CSHB 1405

TRANSPORTATION AND HOMELAND SECURITY — SB 1610

BUSINESS AND COMMERCE — CSHB 2376

HIGHER EDUCATION — CSSB 200, HB 650, HB 2631, CSSB 1763

EDUCATION — HB 1130, HB 1550

BILLS ENGROSSED

May 4, 2011

SB 288, SB 346, SB 1036, SB 1184, SB 1208, SB 1404, SB 1546, SB 1564, SB 1649, SB 1664

BILLS AND RESOLUTIONS ENROLLED

May 4, 2011

SB 257, SB 360, SB 396, SB 398, SB 410, SB 428, SB 483, SB 934, SB 1086, SB 1147, SB 1258, SB 1269, SR 874, SR 878, SR 893, SR 901, SR 902, SR 908, SR 910, SR 911, SR 912, SR 913, SR 914, SR 917, SR 918, SR 919, SR 920, SR 921

SENT TO GOVERNOR

May 5, 2011

**SB 257, SB 360, SB 396, SB 398, SB 410, SB 428, SB 483, SB 934, SB 1086,
SB 1147, SB 1258, SB 1269**

