

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, FIRST CALLED SESSION

PROCEEDINGS

SIXTH DAY — THURSDAY, JUNE 9, 2011

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 14).

Present — Mr. Speaker; Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Workman; Zedler; Zerwas.

Absent, Excused — Woolley.

The invocation was offered by Representative Landtroop.

The speaker recognized Representative Weber who led the house in the pledges of allegiance to the United States and Texas flags.

REGULAR ORDER OF BUSINESS SUSPENDED

On motion of Representative Weber and by unanimous consent, the reading and referral of bills was postponed until just prior to adjournment.

HR 74 - ADOPTED

(by Hughes)

Representative Hughes moved to suspend all necessary rules to take up and consider at this time **HR 74**.

The motion prevailed.

The following resolution was laid before the house:

HR 74, Commemorating the 100th anniversary of the establishment of First Baptist Church in Hawkins.

HR 74 was adopted.

On motion of Representative Cain, the names of all the members of the house were added to **HR 74** as signers thereof.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence temporarily for today to attend a meeting of the Committee on Redistricting:

Alonzo on motion of Lavender.

Alvarado on motion of Lavender.

Aycock on motion of Lavender.

Branch on motion of Lavender.

Eissler on motion of Lavender.

Geren on motion of Lavender.

Harless on motion of Lavender.

Hilderbran on motion of Lavender.

Hunter on motion of Lavender.

Keffer on motion of Lavender.

Madden on motion of Lavender.

Peña on motion of Lavender.

Phillips on motion of Lavender.

Pickett on motion of Lavender.

Solomons on motion of Lavender.

Veasey on motion of Lavender.

Villarreal on motion of Lavender.

MAJOR STATE CALENDAR

SENATE BILLS

THIRD READING

The following bills were laid before the house and read third time:

SB 7 ON THIRD READING

(Zerwas - House Sponsor)

SB 7, A bill to be entitled An Act relating to the administration, quality, and efficiency of health care, health and human services, and health benefits programs in this state.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of family illness:

Bohac on motion of C. Howard.

SB 7 - (consideration continued)**Amendment No. 1**

Representative Lucio offered the following amendment to **SB 7**:

Amend **SB 7** on third reading by striking the subsection added to SECTION 1.12 of the bill by Floor Amendment No. 28 by Lucio III, as amended by the Zerwas amendment, on second reading.

Amendment No. 1 was adopted.

SB 7, as amended, was passed by (Record 15): 89 Yeas, 41 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Beck; Berman; Bonnen; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eiland; Elkins; Fletcher; Flynn; Frullo; Garza; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harper-Brown; Hartnett; Hopson; Howard, C.; Huberty; Hughes; Isaac; Jackson; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Perry; Pitts; Price; Reynolds; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Workman; Zedler; Zerwas.

Nays — Allen; Anchia; Castro; Davis, Y.; Deshotel; Dukes; Dutton; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; King, T.; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Quintanilla; Raymond; Rodriguez; Simpson; Strama; Thompson; Turner; Vo; Walle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Woolley.

Absent, Excused, Committee Meeting — Alonzo; Alvarado; Aycock; Branch; Eissler; Geren; Harless; Hilderbran; Hunter; Keffer; Madden; Peña; Phillips; Pickett; Solomons; Veasey; Villarreal.

STATEMENTS OF VOTE

When Record No. 15 was taken, I was excused to attend a meeting of the Committee on Redistricting. I would have voted no.

Alvarado

I was shown voting yes on Record No. 15. I intended to vote no.

Coleman

When Record No. 15 was taken, I was excused to attend a meeting of the Committee on Redistricting. I would have voted yes.

Geren

When Record No. 15 was taken, I was excused to attend a meeting of the Committee on Redistricting. I would have voted yes.

Harless

**MAJOR STATE CALENDAR
SENATE BILLS
SECOND READING**

The following bills were laid before the house and read second time:

**CSSB 1 ON SECOND READING
(Pitts - House Sponsor)**

CSSB 1, A bill to be entitled An Act relating to certain state fiscal matters; providing penalties.

Representative Pitts moved to postpone consideration of **CSSB 1** until 11:30 a.m. today.

The motion prevailed.

**CSSB 2 ON SECOND READING
(Pitts - House Sponsor)**

CSSB 2, A bill to be entitled An Act appropriating money for the support of state government for the period beginning September 1, 2011 and ending August 31, 2013; and authorizing and prescribing conditions, limitations, rules, and procedures for allocating and expending the appropriated funds; and declaring an emergency.

Amendment No. 1

Representative Pitts offered the following amendment to **CSSB 2**:

Floor Packet Page No. 1

Amend **CSSB 2** (house committee printing) as follows:

(1) Strike SECTION 13 of the bill (page 13, line 24, through page 14, line 4), and substitute the following appropriately numbered SECTIONS:

SECTION ____ EFFECTIVE PERIOD. Except as otherwise provided by this Act, the appropriations made by this Act are effective for the two-year period starting September 1, 2011.

SECTION ____ EFFECTIVE DATE. This Act takes effect immediately.

(2) Add the following appropriately numbered SECTIONS to the bill and renumber the remaining SECTIONS of the bill accordingly:

SECTION _____. Sul Ross State University: Campus Utility Infrastructure. Contingent on Section 33, **HB 4**, Acts of the 82nd Legislature, Regular Session, 2011, not becoming law, in addition to amounts appropriated to Sul Ross State University in **HB 1**, Acts of the 82nd Legislature, Regular Session, 2011, \$7,000,000 is appropriated from General Revenue Fund 0001 to Sul Ross State University for the purpose of institutional operations.

SECTION _____. Texas State University System: System Operations. In addition to amounts appropriated to the Texas State University System in **HB 1**, Acts of the 82nd Legislature, Regular Session, 2011, \$1,600,000 is appropriated from General Revenue Fund 0001 to the Texas State University System for the purpose of system operations.

SECTION _____. Health and Human Services Commission: Umbilical Cord Blood Bank. If **HB 4**, Acts of the 82nd Legislature, Regular Session, 2011, becomes law, Section 32 of that Act is amended to read as follows:

Sec. 32. The amount of \$2,000,000 is appropriated from General Revenue Fund 0001 to the Health and Human Services Commission for Strategy A.I.1, Enterprise Oversight and Policy, as designated by page II-73, House Bill 1, Acts of the 82nd Legislature, Regular Session, 2011 (the General Appropriations Act), for the purpose of entering into a contract with a public cord blood bank in this state for gathering from live births umbilical cord blood and retaining the blood at an unrelated cord blood bank for the primary purpose of making umbilical cord blood available for transplantation purposes. The contracting blood bank must be accredited by the American Association of Blood Banks and the International Organization of Standardization. [THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT SAN ANTONIO: UMBILICAL CORD BLOOD BANK. The amount of \$2,000,000 is appropriated from General Revenue Fund 0001 to The University of Texas Health Science Center at San Antonio for the state fiscal biennium ending August 31, 2013, for the umbilical cord blood bank.]

SECTION _____. Health and Human Services Provider Rates. If **HB 1**, Acts of the 82nd Legislature, Regular Session, 2011 (the General Appropriations Act), becomes law, Section 16, page II-108, of that Act, under Special Provisions Relating to All Health and Human Services Agencies, is amended to read as follows:

Sec. 16. Provider Rates. Appropriations made elsewhere in this Act reflect reductions to provider rates for the 2012-13 biennium as identified below. All identified reductions for fiscal years 2012 and 2013 are intended to be calculated based on the rates in effect on August 31, 2010 and are in addition to cumulative rate reductions made during fiscal year 2011, also identified below. Reductions are intended to be applied to all delivery models, including managed care, and are a net overall reduction to the specified provider class. For health and human services programs not identified below, any non-Medicaid rate that historically has been linked to a Medicaid rate reduced below may be reduced to the same extent as the Medicaid rate to which it historically has been linked. No additional reductions shall be made unless requested and approved according to the process required by Article II Special Provisions, Section 15(b) for rate increases.

SECTION _____. Contingent on **HB 3**, Acts of the 82nd Legislature, 1st Called Session, 2011, or similar legislation relating to the operation of the Texas Windstorm Insurance Association and to the resolution of certain disputes concerning claims made to that association, becoming law:

(1) the Texas Department of Insurance is appropriated \$131,370 for the state fiscal year beginning September 1, 2011, and \$121,767 for the state fiscal year beginning September 1, 2012, from General Revenue Insurance Companies Maintenance Tax and Insurance Department Fees to implement the provisions of that legislation;

(2) the Number of Full-Time Equivalents (FTE) in the Texas Department of Insurance's bill pattern, as provided by page VIII-16, **HB 1**, Acts of the 82nd Legislature, Regular Session, 2011 (the General Appropriations Act), is increased by 2.0 FTEs for the state fiscal year beginning September 1, 2011, and 2.0 FTEs for the state fiscal year beginning September 1, 2012;

(3) the Texas Public Finance Authority is appropriated \$750,000 out of appropriated receipts from the Texas Windstorm Insurance Association for the state fiscal year beginning September 1, 2011, to implement the provisions of that legislation; and

(4) the unexpended and unobligated balance of the amount appropriated under Subdivision (3) of this section remaining on August 31, 2012, is appropriated to the Texas Public Finance Authority for the same purposes for the state fiscal year beginning September 1, 2012.

SECTION _____. Basic Civil Legal Services and Indigent Defense. (a) In addition to amounts appropriated in **HB 1**, Acts of the 82nd Legislature, Regular Session, 2011:

(1) the Supreme Court of Texas is appropriated \$8,783,784 out of General Revenue Fund 0001 for the state fiscal year beginning September 1, 2011, and \$8,783,783 out of General Revenue Fund 0001 for the state fiscal year beginning September 1, 2012, for the purpose of Strategy B.1.1, Basic Civil Legal Services, as designated by that Act, page IV-1; and

(2) the Office of Court Administration is appropriated \$2,437,944 out of General Revenue-Dedicated Fair Defense Account No. 5073 for the state fiscal year beginning September 1, 2011, and \$5,175,887 out of General Revenue-Dedicated Fair Defense Account No. 5073 for the state fiscal year beginning September 1, 2012, for Strategy A.2.1, Indigent Defense, as designated by that Act, page IV-23, for the purpose of restoring grants to counties (\$2,350,894 for the state fiscal year beginning September 1, 2011, and \$5,088,837 for the state fiscal year beginning September 1, 2012) and grant administration (\$87,050 for each year of the state fiscal biennium beginning September 1, 2011).

(b) The Number of Full-Time Equivalents (FTE) in the Office of Court Administration's bill pattern, as provided by page IV-22, **HB 1**, Acts of the 82nd Legislature, Regular Session, 2011 (the General Appropriations Act), is increased by 1.0 FTE for grant administration for each year of the state fiscal biennium beginning September 1, 2011.

SECTION _____. Texas State Technical College - Waco: Connally Technology Center. Contingent on Section 13, **HB 4**, Acts of the 82nd Legislature, Regular Session, 2011, not becoming law, in addition to amounts appropriated to the Texas State Technical College - Waco in **HB 1**, Acts of the 82nd Legislature, Regular Session, 2011, \$2,000,000 is appropriated out of General Revenue Fund 0001 to the Texas State Technical College - Waco for the purpose of institutional operations.

SECTION _____. Lamar Institute of Technology: Technical Arts Building. Contingent on Section 34, **HB 4**, Acts of the 82nd Legislature, Regular Session, 2011, not becoming law, in addition to amounts appropriated to the Lamar Institute of Technology in **HB 1**, Acts of the 82nd Legislature, Regular Session, 2011, \$5,000,000 is appropriated from General Revenue Fund 0001 to the Lamar Institute of Technology for the purpose of institutional operations.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Shelton offered the following amendment to **CSSB 2**:
Floor Packet Page No. 7

Amend **CSSB 2** (house committee report) as follows:

(1) In SECTION 4 of the bill (page 6, between lines 25 and 26), insert the following:

(g) Surplus Funding Contingency. If the amount appropriated for the Foundation School Program (FSP), Texas Education Agency Strategy A.1.1. in Subsection (a) above exceeds the sum of the amount required under Section 42.251, Education Code, and the amount required for adjustments to funding under Section 42.253, Education Code, the commissioner, notwithstanding Rider 27, page III-10, **HB 1**, Acts of the 82nd Legislature, Regular Session, 2011 (the General Appropriations Act), may allocate an amount not to exceed \$250 million to fund:

- (1) teacher effectiveness and incentive pay programs;
- (2) advanced placement programs;
- (3) education technology and virtual learning programs;
- (4) dropout prevention and recovery programs, including Big Brothers and Big Sisters;
- (5) early childhood readiness programs;
- (6) purchase of instructional materials;
- (7) the Texas High School Project;
- (8) the Early College High School Initiative; or
- (9) science, technology, engineering, and math programs.

(2) In SECTION 4 of the bill (page 6, line 26), strike "(g)" and substitute "(h)".

Representative Pitts moved to table Amendment No. 2.

The motion to table was lost by (Record 16): 43 Yeas, 78 Nays, 1 Present, not voting.

Yeas — Beck; Berman; Bonnen; Brown; Cain; Callegari; Chisum; Craddick; Darby; Davis, J.; Driver; Elkins; Flynn; Frullo; Garza; Gonzales, L.; Gooden; Hamilton; Hancock; Harper-Brown; Hopson; Howard, C.; Hughes; Isaac; Jackson; Landroop; Laubenberg; Lavender; Lewis; Murphy; Orr; Otto; Paxton; Perry; Pitts; Price; Riddle; Ritter; Schwertner; Sheets; Simpson; Smithee; Zerwas.

Nays — Aliseda; Allen; Anchia; Anderson, C.; Anderson, R.; Burkett; Button; Carter; Castro; Christian; Coleman; Cook; Creighton; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Fletcher; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Hardcastle; Hartnett; Hernandez Luna; Hochberg; Howard, D.; Huberty; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Legler; Lozano; Lucio; Lyne; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Naishtat; Nash; Oliveira; Parker; Patrick; Quintanilla; Raymond; Reynolds; Rodriguez; Scott; Sheffield; Shelton; Smith, T.; Smith, W.; Strama; Taylor, V.; Torres; Truitt; Turner; Vo; Walle; Weber; White; Workman; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Woolley.

Absent, Excused, Committee Meeting — Alonzo; Alvarado; Aycock; Branch; Eissler; Geren; Harless; Hilderbran; Hunter; Keffer; Madden; Peña; Phillips; Pickett; Solomons; Veasey; Villarreal.

Absent — Burnam; Crownover; Gutierrez; Johnson; King, P.; King, S.; Larson; Taylor, L.; Thompson.

STATEMENTS OF VOTE

When Record No. 16 was taken, I was excused to attend a meeting of the Committee on Redistricting. I would have voted no.

Alvarado

I was shown voting yes on Record No. 16. I intended to vote no.

Brown

I was shown voting no on Record No. 16. I intended to vote yes.

Fletcher

When Record No. 16 was taken, I was excused to attend a meeting of the Committee on Redistricting. I would have voted no.

Geren

When Record No. 16 was taken, I was excused to attend a meeting of the Committee on Redistricting. I would have voted no.

Harless

When Record No. 16 was taken, I was in the house but away from my desk. I would have voted no.

P. King

When Record No. 16 was taken, I was in the house but away from my desk. I would have voted no.

S. King

I was shown voting yes on Record No. 16. I intended to vote no.

Orr

Amendment No. 2 was adopted.

Amendment No. 3

Representatives Margo and Patrick offered the following amendment to **CSSB 2**:

Floor Packet Page No. 15

Amend **CSSB 2** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering existing SECTIONS of the bill appropriately:

SECTION _____. Texas Competitive Knowledge Fund at The University of Texas at El Paso. It is the intent of the legislature that:

(1) \$3,562,500 in General Revenue appropriated to The University of Texas at El Paso by **HB 1**, 82nd Legislature, Regular Session, 2011 (the General Appropriations Act), for special item support for the state fiscal biennium ending August 31, 2013, be used to provide funds for the Texas Competitive Knowledge Fund at the university;

(2) the funds described by Subdivision (1) of this section be treated as if the funds were listed as an additional research formula strategy, Strategy D.2.1, Texas Competitive Knowledge Fund, in the bill pattern of The University of Texas at El Paso in **HB 1**, 82nd Legislature, Regular Session, 2011 (the General Appropriations Act); and

(3) the funds described by Subdivision (1) of this section be subject to Section 56, relating to appropriations for the Texas Competitive Knowledge Fund, in the Special Provisions Relating Only to State Agencies of Higher Education in **HB 1**, 82nd Legislature, Regular Session, 2011 (the General Appropriations Act).

SECTION _____. Texas Competitive Knowledge Fund at The University of Texas at Arlington. It is the intent of the legislature that:

(1) \$3,562,500 in General Revenue appropriated to The University of Texas at Arlington by **HB 1**, 82nd Legislature, Regular Session, 2011 (the General Appropriations Act), for special item support for the state fiscal biennium ending August 31, 2013, be used to provide funds for the Texas Competitive Knowledge Fund at the university;

(2) the funds described by Subdivision (1) of this section be treated as if the funds were listed as an additional research formula strategy, Strategy D.2.1, Texas Competitive Knowledge Fund, in the bill pattern of The University of Texas at Arlington in **HB 1**, 82nd Legislature, Regular Session, 2011 (the General Appropriations Act); and

(3) the funds described by Subdivision (1) of this section be subject to Section 56, relating to appropriations for the Texas Competitive Knowledge Fund, in the Special Provisions Relating Only to State Agencies of Higher Education in **HB 1**, 82nd Legislature, Regular Session, 2011 (the General Appropriations Act).

Amendment No. 3 was adopted.

Amendment No. 4

Representative Margo offered the following amendment to **CSSB 2**:

Floor Packet Page No. 17

Amend **CSSB 2** (house committee printing) by adding the following appropriately numbered ARTICLES to the bill and renumbering the remaining ARTICLES and SECTIONS of the bill accordingly:

SECTION ____ .02. It is the intent of the legislature that any decrease in appropriations from the permanent endowment fund account No. 817 to The University of Texas at El Paso for the state fiscal biennium ending August 31, 2013, from the preceding state fiscal biennium not be replaced with an increase in general revenue appropriations.

Amendment No. 4 was adopted.

Amendment No. 5

Representative Lucio offered the following amendment to **CSSB 2**:

Floor Packet Page No. 19

Amend **CSSB 2** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____ . The University of Texas Community Outreach Program Funding. Using money appropriated from the general revenue fund to the Department of State Health Services for Strategy A.3.1, Chronic Disease Prevention, on page II-45, **HB 1**, Acts of the 82nd Legislature, Regular Session, 2011, and available for this purpose, the department may allocate an additional \$3 million in state fiscal year 2012 and an additional \$3 million in state fiscal year 2013 to The University of Texas Community Outreach program to provide community-based diabetes and obesity care and education for purposes of reducing the health and economic burdens of diabetes and obesity in this state.

Amendment No. 5 was adopted.

Amendment No. 6

Representatives Perry, Aliseda, Weber, R. Anderson, Elkins, Beck, Flynn, Simpson, Laubenberg, Sheets, and Landtroop offered the following amendment to **CSSB 2**:

Floor Packet Page No. 20

Amend **CSSB 2** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Appropriations to the Department of State Health Services. (a) The appropriations to the Commission on the Arts, page I-1, Article I, **HB 1**, Acts of the 82nd Legislature, Regular Session, 2011 (the General Appropriations Act), are amended by reducing to zero the amounts appropriated from the general revenue fund for the state fiscal years ending August 31, 2012, and August 31, 2013.

(b) In addition to the amounts appropriated by **HB 1**, Acts of the 82nd Legislature, Regular Session, 2011 (the General Appropriations Act), to the Department of State Health Services, the amounts of \$611,057.50 in general revenue funds for the state fiscal year ending August 31, 2013, and \$1,174,923 in general revenue funds for the state fiscal year ending August 31, 2013, are appropriated to the department for the purpose of Strategy B.2.1, Mental Health Svcs-Adults, as designated by that Act (page II-45).

(c) In addition to the amounts appropriated by **HB 1**, Acts of the 82nd Legislature, Regular Session, 2011 (the General Appropriations Act), to the Department of State Health Services, the amounts of &611,057.50 in general revenue funds for the state fiscal year ending August 31, 2012, and \$1,174,923 in general revenue funds for the state fiscal year ending August 31, 2013, are appropriated to the department for the purpose of Strategy B.2.2, Mental Health Svcs-Children, as designated by that Act (page II-45).

Amendment No. 7

Representatives Strama and Anchia offered the following amendment to Amendment No. 6:

Amend Floor Amendment No. 6 by Perry to **CSSB 2** as follows:

(1) Strike Subsection (a) of the added section (page 1, lines 5-10).

(2) In Subsection (b) of the added section:

(A) On page 1, line 14, strike "in general revenue funds" and substitute "from the economic stabilization fund"; and

(B) On page 1, lines 15-16, strike "in general revenue funds" and substitute "from the economic stabilization fund".

(3) In Subsection (c) of the added section:

(A) On page 1, line 22, strike "in general revenue funds" and substitute "from the economic stabilization fund"; and

(B) On page 1, lines 23-24, strike "in general revenue funds" and substitute "from the economic stabilization fund".

(Ritter in the chair)

Representative Perry moved to table Amendment No. 7.

The motion to table prevailed by (Record 17): 83 Yeas, 45 Nays, 3 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Beck; Berman; Bonnen; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, S.; Driver; Eiland; Elkins; Fletcher; Flynn; Frullo; Garza; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harper-Brown; Hartnett; Hopson; Howard, C.; Huberty; Hughes; Isaac; Jackson; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Perry; Pitts; Price; Schwertner; Scott; Sheets; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Workman; Zedler; Zerwas.

Nays — Allen; Anchia; Burnam; Castro; Coleman; Davis, J.; Davis, Y.; Deshotel; Dukes; Dutton; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; King, T.; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Quintanilla; Raymond; Reynolds; Riddle; Rodriguez; Strama; Thompson; Turner; Vo; Walle.

Present, not voting — Mr. Speaker; Ritter(C); Sheffield.

Absent, Excused — Bohac; Woolley.

Absent, Excused, Committee Meeting — Alonzo; Alvarado; Aycock; Branch; Eissler; Geren; Harless; Hilderbran; Hunter; Keffer; Madden; Peña; Phillips; Pickett; Solomons; Veasey; Villarreal.

STATEMENTS OF VOTE

When Record No. 17 was taken, I was excused to attend a meeting of the Committee on Redistricting. I would have voted no.

Alvarado

When Record No. 17 was taken, I was excused to attend a meeting of the Committee on Redistricting. I would have voted yes.

Geren

When Record No. 17 was taken, I was excused to attend a meeting of the Committee on Redistricting. I would have voted yes.

Harless

Representative Zerwas moved to table Amendment No. 6.

The motion to table prevailed by (Record 18): 87 Yeas, 39 Nays, 3 Present, not voting.

Yeas — Allen; Anderson, C.; Berman; Brown; Burkett; Burnam; Button; Callegari; Castro; Chisum; Christian; Coleman; Cook; Craddick; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Farias; Farrar; Frullo; Gallego; Garza; Giddings; Gonzales, V.; Gonzalez; Gutierrez; Hamilton; Hardcastle; Harper-Brown; Hernandez Luna; Hopson; Howard, D.; Huberty; Isaac; Jackson; Johnson; King, S.; Kleinschmidt;

Kolkhorst; Kuempel; Larson; Lavender; Lewis; Lucio; Lyne; Mallory Caraway; Martinez; Martinez Fischer; McClendon; Miles; Miller, D.; Miller, S.; Morrison; Murphy; Naishtat; Nash; Oliveira; Otto; Parker; Patrick; Pitts; Price; Quintanilla; Reynolds; Rodriguez; Schwertner; Scott; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Taylor, L.; Thompson; Torres; Turner; Vo; Walle; Workman; Zerwas.

Nays — Aliseda; Anchia; Anderson, R.; Beck; Bonnen; Cain; Creighton; Elkins; Fletcher; Flynn; Gonzales, L.; Gooden; Hancock; Hartnett; Hochberg; Howard, C.; Hughes; King, P.; King, T.; Landtroop; Laubenberg; Legler; Lozano; Marquez; Menendez; Muñoz; Orr; Paxton; Perry; Raymond; Riddle; Sheets; Simpson; Strama; Taylor, V.; Truitt; Weber; White; Zedler.

Present, not voting — Mr. Speaker; Carter; Ritter(C).

Absent, Excused — Bohac; Woolley.

Absent, Excused, Committee Meeting — Alonzo; Alvarado; Aycock; Branch; Eissler; Geren; Harless; Hilderbran; Hunter; Keffer; Madden; Peña; Phillips; Pickett; Solomons; Veasey; Villarreal.

Absent — Guillen; Margo.

STATEMENTS OF VOTE

When Record No. 18 was taken, I was excused to attend a meeting of the Committee on Redistricting. I would have voted yes.

Alvarado

When Record No. 18 was taken, I was excused to attend a meeting of the Committee on Redistricting. I would have voted no.

Geren

When Record No. 18 was taken, I was excused to attend a meeting of the Committee on Redistricting. I would have voted no.

Harless

When Record No. 18 was taken, I was in the house but away from my desk. I would have voted yes.

Margo

I was shown voting yes on Record No. 18. I intended to vote no.

T. Smith

Amendment No. 8

Representative Larson offered the following amendment to **CSSB 2**:
Floor Packet Page No. 22

Amend **CSSB 2** (house committee report printing) as follows:
Restore \$5,750,000 of funding to Department of State Health Services

SECTION _____. There is hereby appropriated to the Department of State Health Services for the two-year period beginning on the effective date of this Act the amount of \$5,750,000 to restore ten percent of funding to the Designated Trauma Facility and EMS Account - Account 5111.

Amendment No. 8 was withdrawn.

Amendment No. 9

Representative Alonzo offered the following amendment to **CSSB 2**:

Floor Packet Page No. 23

Amend **CSSB 2** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. HIV Medication Program Funding. (a) In addition to amounts appropriated to the Department of State Health Services in **HB 1**, Acts of the 82nd Legislature, Regular Session, 2011, \$9,600,000 is appropriated from General Revenue Fund 0001 to the department for each of the fiscal years of the state fiscal biennium ending August 31, 2013, for the HIV Medication Program funded through Strategy A.2.2, HIV/STD Prevention, as specified in page II-45, **HB 1**, Acts of the 82nd Legislature, Regular Session, 2011.

(b) Section 55 of the special provisions relating to all health and human services agencies in page II-123, Article II, **HB 1**, Acts of the 82nd Legislature, Regular Session, 2011, has no effect.

Amendment No. 9 was withdrawn.

Amendment No. 10

Representative Zerwas offered the following amendment to **CSSB 2**:

Floor Packet Page No. 25

Amend **CSSB 2** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Appropriations for Children & Medically Needy. The amounts appropriated to the Health and Human Services Commission in **HB 1**, Acts of the 82nd Legislature, Regular Session, 2011, for Strategy B.1.4, Children & Medically Needy, as specified by that Act, reflect the intent of the legislature that the Health and Human Services Commission use additional cost savings identified and realized as a result of the use of funds appropriated to the Health and Human Services Commission in **HB 1**, Acts of the 82nd Legislature, Regular Session, 2011, for Strategy G.1.1, Office of Inspector General, as specified by that Act, to employ strategies:

(1) within the Office of Inspector General (OIG) to improve systems for the detection, prevention, and prosecution of fraud, waste, and abuse; and

(2) that may involve:

(A) the use of advanced analytics, including predictive modeling, anomaly detection, and social network analysis, to identify and prevent the occurrence of improper reimbursements as well as to identify previous improper reimbursements; or

(B) the use of data sources external to the commission, including public records, data managed by other state agencies, and commercially available data.

Amendment No. 10 was adopted.

Amendment No. 11

On behalf of Representative Madden, Representative Pitts offered the following amendment to **CSSB 2**:

Floor Packet Page No. 26

Amend **CSSB 2** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Contingency for **HB 26**: Inmate Fee for Health Care. Contingent on the enactment of **HB 26**, 82nd Legislature, 1st Called Session, 2011, or similar legislation relating to the containment of costs incurred in the correctional health care system, the Department of Criminal Justice is appropriated from the general revenue fund an amount not to exceed \$7,705,800 in the state fiscal year ending August 31, 2012, and \$5,779,350 in the state fiscal year ending August 31, 2013, out of health care services fees deposited to the general revenue fund from inmate trust funds. Unexpended and unobligated balances of the appropriated amounts as of August 31, 2012, and August 31, 2013, are transferred to the undedicated portion of the general revenue fund.

Amendment No. 11 was withdrawn.

Amendment No. 12

Representative Darby offered the following amendment to **CSSB 2**:

Floor Packet Page No. 29

Amend **CSSB 2** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Texas Department of Rural Affairs: Exemption for Executive Director's Salary. Scheduled Exempt Positions, Section 3.05(c)(6), Part 3, Article IX, **HB 1**, Acts of the 82nd Legislature, Regular Session, 2011 (the General Appropriations Act, page IX-19), is amended by adding the following appropriately lettered paragraph to that subdivision and relettering subsequent paragraphs of that subdivision accordingly:

() Texas Department of Rural Affairs Executive Director Group 4

Amendment No. 12 was adopted.

Amendment No. 13

Representative Kleinschmidt offered the following amendment to **CSSB 2**:

Floor Packet Page No. 31

Amend **CSSB 2** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____ . Basic Civil Legal Services and Indigent Defense. In addition to amounts appropriated in **HB 1**, Acts of the 82nd Legislature, Regular Session, 2011 (the General Appropriations Act):

(a) The amounts of \$8,783,784 in state fiscal year 2012 and \$8,783,783 in state fiscal year 2013 are appropriated to the Supreme Court of Texas from the general revenue fund for basic civil legal services for the same purposes as provided by Strategy B.1.1. of the appropriations to the supreme court in **HB 1**, Acts of the 82nd Legislature, Regular Session, 2011 (the General Appropriations Act); and

(b) The amounts of \$2,437,944 in state fiscal year 2012 and \$5,175,887 in state fiscal year 2013 are appropriated to the Office of Court Administration from the General Revenue-Dedicated Fair Defense Account No. 5073 to restore grants to counties (\$2,350,894 in state fiscal year 2012 and \$5,088,837 in state fiscal year 2013) and grant administration (\$87,050 each state fiscal year) for the same purposes provided by Strategy A.2.1. of the appropriations to that office in **HB 1**, Acts of the 82nd Legislature, Regular Session, 2011 (the General Appropriations Act). The agency's FTE cap shall be increased by 1.0 FTE for grant administration in each fiscal year of the state fiscal biennium.

Amendment No. 13 was withdrawn.

Amendment No. 14

Representatives Pickett and Workman offered the following amendment to **CSSB 2**:

Floor Packet Page No. 32

Amend **CSSB 2** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____ . Commission on State Emergency Communications.

(a) Rider 10 on page I-31 of **HB 1**, 82nd Legislature, Regular Session, 2011, in the bill pattern of the Commission on State Emergency Communications has no effect.

(b) Contingent on the collection of fees in the General Revenue-Dedicated 9-1-1 Services Fees Account No. 5050 in excess of \$112,968,000 contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for the 2012-2013 biennium, the Commission on State Emergency Communications is appropriated the excess revenue, not to exceed \$11,722,424 for the 2012-2013 biennium, in Strategy A.1.1, 9-1-1 Network Operations and Equipment Replacement for 9-1-1 Network Operations and for 9-1-1 equipment replacement per the established 10-year equipment replacement schedule. If the Comptroller

finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes.

Amendment No. 14 was adopted.

(Madden now present)

Amendment No. 15

Representative Kleinschmidt offered the following amendment to **CSSB 2**:
Floor Packet Page No. 34

Amend **CSSB 2** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Commission on State Emergency Communications. (a) Rider 10 on page I-31 of **HB 1**, 82nd Legislature, Regular Session, 2011, in the bill pattern of the Commission on State Emergency Communications has no effect.

(b) Contingent on the collection of fees in the General Revenue-Dedicated 9-1-1 Services Fees Account No. 5050 in excess of \$112,968,000 contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for the 2012-2013 biennium, the Commission on State Emergency Communications is appropriated the excess revenue, not to exceed \$11,722,424 for the 2012-2013 biennium, in Strategy A.1.1, 9-1-1 Network Operations and Equipment Replacement for 9-1-1 Network Operations and for 9-1-1 equipment replacement per the established 10-year equipment replacement schedule. If the comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes.

Amendment No. 15 was withdrawn.

Amendment No. 16

Representative Chisum offered the following amendment to **CSSB 2**:
Floor Packet Page No. 35

Amend **CSSB 2** (house committee printing) by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS accordingly:

SECTION _____. Salary of the Land Commissioner. Notwithstanding any other provision of **HB 1**, Eighty-second Legislature, Regular Session, regarding the salary of the commissioner of the General Land Office and Veterans' Land Board (GLO), the GLO may pay the commissioner an annual salary not to exceed \$150,000.

Amendment No. 16 was adopted. (The vote was reconsidered later today, and Amendment No. 16 was withdrawn.) (Aliseda, Anchia, C. Anderson, R. Anderson, Burkett, Cain, Fletcher, Flynn, Gallego, L. Gonzales, V. Gonzales,

Hancock, Harper-Brown, D. Howard, P. King, Laubenberg, Lozano, Marquez, Muñoz, Murphy, Orr, Patrick, Paxton, Perry, Raymond, Riddle, Rodriguez, Scott, Sheets, Strama, Truitt, and Vo recorded voting no.)

Amendment No. 17

Representative Zerwas offered the following amendment to **CSSB 2**:

Floor Packet Page No. 36

Amend **CSSB 2** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Contingency: Expand Physician and Nurse Trauma Care Fellowship Slots. Contingent on the passage by the 82nd Legislature, 1st Called Session, and becoming law of legislation to fund the expansion of the number of physician and nurse trauma care fellowships by the Department of State Health Services or similar legislation, \$4,500,000 is appropriated to the department for the state fiscal biennium ending August 31, 2013, from general revenue dedicated account number 5111, Designated Trauma Facility and EMS Account, for the purposes of the legislation.

Amendment No. 17 was adopted.

(Alonzo, Eissler, and Pickett now present)

Amendment No. 18

Representative Gooden offered the following amendment to **CSSB 2**:

Floor Packet Page No. 18

Amend **CSSB 2** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering the other SECTIONS of the bill accordingly:

SECTION _____. Appropriation for PATS Pilot Project at The University of Texas at Tyler. Contingent on approval by the Legislative Budget Board that the university has received from other sources funds in an amount of not less than \$1,000,000 that have been set aside for purposes of the project, there is appropriated out of the General Revenue Fund to The University of Texas at Tyler for the state fiscal biennium ending August 31, 2013, the amount of \$2,500,000 for the purpose of funding the Patriots Applying Technology for Savings (PATS) pilot project at the university to develop and offer degree programs in hybrid formats incorporating alternative course-delivery methods that are intended to achieve cost savings and other efficiencies.

(Aycock, Geren, Harless, and Villarreal now present)

Amendment No. 18 - Point of Order

Representative Turner raised a point of order against further consideration of Amendment No. 18.

The point of order was withdrawn.

Representative Otto moved to table Amendment No. 18.

(Hilderbran and Solomons now present)

The motion to table prevailed by (Record 19): 103 Yeas, 30 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Anchia; Anderson, R.; Aycock; Bonnen; Burkett; Button; Callegari; Carter; Castro; Chisum; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Geren; Giddings; Gonzales, L.; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hochberg; Hopson; Howard, C.; Howard, D.; Isaac; Jackson; King, P.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Legler; Lewis; Lucio; Lyne; Madden; Margo; Martinez; McClendon; Miles; Miller, D.; Miller, S.; Morrison; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Paxton; Perry; Pickett; Pitts; Price; Reynolds; Riddle; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Vo; Walle; Weber; White; Workman; Zerwas.

Nays — Alonzo; Anderson, C.; Beck; Berman; Brown; Burnam; Cain; Christian; Eiland; Gallego; Gonzales, V.; Gonzalez; Gooden; Gutierrez; Hilderbran; Hughes; Johnson; King, S.; Lavender; Lozano; Marquez; Martinez Fischer; Muñoz; Patrick; Quintanilla; Raymond; Shelton; Simpson; Villarreal; Zedler.

Present, not voting — Mr. Speaker; Ritter(C).

Absent, Excused — Bohac; Woolley.

Absent, Excused, Committee Meeting — Alvarado; Branch; Hunter; Keffer; Peña; Phillips; Veasey.

Absent — Eissler; Garza; Guillen; Huberty; Mallory Caraway; Menendez.

STATEMENTS OF VOTE

When Record No. 19 was taken, I was excused to attend a meeting of the Committee on Redistricting. I would have voted yes.

Alvarado

I was shown voting yes on Record No. 19. I intended to vote no.

White

Amendment No. 16 - Vote Reconsidered

Representative Chisum moved to reconsider the vote by which Amendment No. 16 was adopted.

The motion to reconsider prevailed.

Amendment No. 16 was withdrawn.

Amendment No. 19

Representative Alonzo offered the following amendment to **CSSB 2**:

Floor Packet Page No. 23

Amend **CSSB 2** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. HIV Medication Program Funding. (a) In addition to amounts appropriated to the Department of State Health Services in **HB 1**, Acts of the 82nd Legislature, Regular Session, 2011, \$9,600,000 is appropriated from General Revenue Fund 0001 to the department for each of the fiscal years of the state fiscal biennium ending August 31, 2013, for the HIV Medication Program funded through Strategy A.2.2, HIV/STD Prevention, as specified in page II-45, **HB 1**, Acts of the 82nd Legislature, Regular Session, 2011.

(b) Section 55 of the special provisions relating to all health and human services agencies in page II-123, Article II, **HB 1**, Acts of the 82nd Legislature, Regular Session, 2011, has no effect.

Amendment No. 19 was withdrawn.

Amendment No. 20

Representative Menendez offered the following amendment to **CSSB 2**:

Floor Packet Page No. 8

Amend **CSSB 2** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) Notwithstanding **HB 1**, Acts of the 82nd Legislature, Regular Session, 2011 (the General Appropriations Act), the amounts appropriated to the Texas Education Agency for Strategy A.2.1, Statewide Educational Programs (page III-2) are reduced by \$2,250,000 for the fiscal year ending August 31, 2012, and by \$2,250,000 for the fiscal year ending August 31, 2013.

(b) Notwithstanding **HB 1**, Acts of the 82nd Legislature, Regular Session, 2011 (the General Appropriations Act), in Rider 56 under the appropriations to the Texas Education Agency (page III-17), the amount allocated to support the Reasoning Mind program is reduced by \$2,250,000 for the fiscal year ending August 31, 2012, and by \$2,250,000 for the fiscal year ending August 31, 2013.

(c) Notwithstanding **HB 1**, Acts of the 82nd Legislature, Regular Session, 2011 (the General Appropriations Act), the amounts appropriated to the Texas Education Agency for Strategy A.2.3, Students with Disabilities (page III-2) are increased by \$2,250,000 for the fiscal year ending August 31, 2012, and \$2,250,000 for the fiscal year ending August 31, 2013.

Amendment No. 21

Representative Menendez offered the following amendment to Amendment No. 20:

Amend Floor Amendment No. 20 by Menendez (page 8, prefiled amendment packet) to **CSSB 2** (house committee report) as follows:

(1) On page 1, line 21 of the amendment, strike "Strategy A.2.3, Students with Disabilities" and substitute "Strategy A.2.4, School Improvement and Support Programs".

(2) On page 1, line 23 of the amendment, after the period, add the following:

(d) Add the following to Rider 24, Communities in Schools, following the appropriations made to the Texas Education Agency by **HB 1**, Acts of the 82nd Legislature, Regular Session, 2011:

In addition to the amounts specified above, out of the funds appropriated above for Strategy A.2.4, School Improvement and Support Programs, the additional amount of \$2,250,000 is allocated for the Communities in Schools Program for fiscal year 2012 and the additional amount of \$2,250,000 is allocated to the Communities in Schools Program for fiscal year 2013.

(Phillips now present)

Amendment No. 21 was adopted.

Amendment No. 20, as amended, was adopted. (V. Taylor recorded voting no.)

(Speaker in the chair)

Amendment No. 22

Representative Farrar offered the following amendment to **CSSB 2**:

Floor Packet Page No. 10

Amend **CSSB 2** (house committee report) by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) In addition to amounts appropriated to the Texas Education Agency for the Foundation School Program by this Act or similar legislation, the amount of \$2,000,000,000 is appropriated from the economic stabilization fund to the Texas Education Agency for the Foundation School Program under Chapter 42, Education Code, for the state fiscal biennium beginning September 1, 2011.

(c) This section takes effect only if this Act receives a vote of two-thirds of the members present in each house of the legislature, as provided by Section 49-g(m), Article III, Texas Constitution.

Amendment No. 23

Representative Gallego offered the following amendment to Amendment No. 22:

Amend Amendment No. 22 by Farrar (page 10, prefiled amendment packet) to **CSSB 2** (house committee report) by striking added Subsection (a) and substituting the following:

(a) In addition to amounts appropriated to the Texas Education Agency for the Foundation School Program by this Act or similar legislation, the amount necessary to provide school districts and open-enrollment charter schools with at

least the amount of state and local maintenance and operations funding per student in weighted average daily attendance that the district or school would be entitled to receive under Chapter 42, Education Code, as that chapter existed on January 1, 2011, for the state fiscal biennium beginning September 1, 2011, as determined by the commissioner of education in consultation with the Legislative Budget Board, is appropriated from the economic stabilization fund to the Texas Education Agency for the Foundation School Program under Chapter 42, Education Code.

(b) It is the intent of the legislature that money appropriated under this section be distributed in a manner that would provide each school district and open-enrollment charter school with at least the amount of state and local maintenance and operations funding per student in weighted average daily attendance that the district or school would be entitled to receive under Chapter 42, Education Code, as that chapter existed on January 1, 2011, for the state fiscal biennium beginning September 1, 2011, to the extent authorized by general law.

(Alvarado, Branch, and Veasey now present)

Representative Eissler moved to table Amendment No. 23.

The motion to table prevailed by (Record 20): 94 Yeas, 50 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Isaac; Jackson; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hamilton; Hernandez Luna; Hochberg; Howard, D.; Johnson; King, T.; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Woolley.

Absent, Excused, Committee Meeting — Hunter; Keffer; Peña.

Amendment No. 24

Representative D. Howard offered the following amendment to Amendment No. 22:

Amend Amendment No. 22 by Farrar to **CSSB 2** (prefiled amendment packet, page 10) by striking the text of the amendment and substituting the following:

Amend **CSSB 2** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) In addition to amounts appropriated to the Texas Education Agency for the Foundation School Program by this Act, and subject to the limitation prescribed by Subsection (c) of this section, the amount described by Subsection (b) of this section in the economic stabilization fund is appropriated to the Texas Education Agency for the state fiscal biennium beginning September 1, 2011, for the Foundation School Program under Chapter 42, Education Code.

(b) The amount appropriated by Subsection (a) of this section is the amount of money in the economic stabilization fund that exceeds the difference between the projected balance of the fund as of August 31, 2013, as stated in the comptroller's Biennial Revenue Estimate for 2012-2013, and as revised by the comptroller on May 17, 2011, and the amount appropriated from the fund by **HB 275**, Acts of the 82nd Legislature, Regular Session, 2011.

(c) The amount appropriated by this section may not exceed the amount necessary to fund enrollment growth under the Foundation School Program for the state fiscal biennium beginning September 1, 2011.

(d) It is the intent of the legislature that the comptroller determine the amount of excess funds in the economic stabilization fund and appropriated by this section, as described by Subsection (b) of this section, on or about August 1, 2011, and August 1, 2012, so that the amounts appropriated are determined and made available for the 2011-2012 and 2012-2013 school years, respectively.

(e) The commissioner of education shall apply amounts appropriated by this section for the Foundation School Program under Chapter 42, Education Code, by proportionately increasing the regular program adjustment factor and percentage adjustment under Sections 42.101 and 42.2516(i), Education Code, as amended by **SB 1**, Acts of the 82nd Legislature, 1st Called Session, 2011, or similar legislation.

(f) This section takes effect only if this Act receives a vote of two-thirds of the members present in each house of the legislature, as provided by Section 49-g(m), Article III, Texas Constitution.

(Keffer now present)

Amendment No. 24 was adopted. (C. Anderson, Aycock, Beck, Berman, Button, Cain, Callegari, Carter, Christian, Craddick, Creighton, Crownover, Elkins, Flynn, Frullo, Harper-Brown, Hughes, Isaac, Keffer, P. King,

Kleinschmidt, Landtroop, Laubenberg, Legler, Madden, S. Miller, Morrison, Murphy, Otto, Parker, Paxton, Perry, Phillips, Price, Schwertner, Sheets, Sheffield, L. Taylor, V. Taylor, Weber, Workman, and Zedler recorded voting no.)

Amendment No. 22, as amended, was adopted. (C. Anderson, Berman, Button, Cain, Carter, Creighton, Elkins, Frullo, Hughes, P. King, Kleinschmidt, Laubenberg, Legler, D. Miller, S. Miller, Morrison, Parker, Paxton, Perry, Phillips, Price, Schwertner, Sheets, Sheffield, Shelton, V. Taylor, Workman, and Zedler recorded voting no.)

Amendment No. 25

Representative Madden offered the following amendment to **CSSB 2**:

Floor Packet Page No. 27

Amend **CSSB 2** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Consolidation of the Texas Youth Commission and the Juvenile Probation Commission. (a) Of general revenue appropriated to the Texas Education Agency in Article III of **HB 1**, Acts of the 82nd Legislature, Regular Session, 2011 (the General Appropriations Act), for Strategy A.1.1, FSP-Equalized Operations (page III-2), not more than \$10,000,000 each state fiscal year may be used to contract with the Texas Juvenile Probation Commission or its successor agency.

(b) Of general revenue appropriated to the Department of Family and Protective Services in Article II of **HB 1**, Acts of the 82nd Legislature, Regular Session, 2011 (the General Appropriations Act), for Strategy C.1.1, Star Program (page II-32), not more than \$16,328,649 each state fiscal year may be used to contract with the Texas Juvenile Probation Commission or its successor agency.

(c) Of general revenue appropriated to the Department of Family and Protective Services in Article II, **HB 1**, Acts of the 82nd Legislature, Regular Session, 2011 (the General Appropriations Act), for Strategy C.1.3, Texas Families Program (page II-32), not more than \$1,953,206 each state fiscal year may be used to implement the provisions of **SB 653**, Acts of the 82nd Legislature, Regular Session, 2011, as effective September 1, 2011, related to prevention and intervention services.

(d) Of general revenue appropriated to the Department of Family and Protective Services in Article II, **HB 1**, Acts of the 82nd Legislature, Regular Session, 2011 (the General Appropriations Act), for Strategy C.1.5, Other At-Risk Prevention Programs (page II-32), not more than \$1,145,288 each state fiscal year may be used to implement the provisions of **SB 653**, Acts of the 82nd Legislature, Regular Session, 2011, as effective September 1, 2011, related to prevention and intervention services.

(e) Of general revenue appropriated to the Department of Family and Protective Services in Article II, **HB 1**, Acts of the 82nd Legislature, Regular Session, 2011 (the General Appropriations Act), for Strategy C.1.6, At-Risk Prevention Program Support (page II-32), not more than \$1,055,245 each state

fiscal year may be used to implement the provisions of **SB 653**, Acts of the 82nd Legislature, Regular Session, 2011, as effective September 1, 2011, related to prevention and intervention services.

(f) Notwithstanding Subsections (a)-(e) of this section, any unexpended balance of money used for contracts as provided by this section in the state fiscal year ending August 31, 2012, may be applied to contracts for the same purpose in the state fiscal year beginning September 1, 2012.

(g) Out of the funds transferred to the Texas Juvenile Probation Commission or its successor agency for contracts under this section, the Texas Juvenile Probation Commission may use not more than \$250,000 for an external evaluation of the current methods of delivering at-risk youth services in this state. The evaluation must include recommendations for a model system of at-risk youth service delivery with clear accountability measures. The recommendations may include recommendations to state agencies regarding program functions of those agencies that the Texas Juvenile Probation Commission or its successor agency may perform.

Amendment No. 25 was adopted.

Amendment No. 26

Representatives Madden and Hartnett offered the following amendment to **CSSB 2**:

Floor Packet Page No. 30

Amend **CSSB 2** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Basic Civil Legal Services and Indigent Defense. (a) In addition to the amounts appropriated in **HB 1**, Acts of the 82nd Legislature, Regular Session, 2011 (the General Appropriations Act), the following amounts are appropriated:

(1) the amounts of \$8,783,784 in the state fiscal year ending August 31, 2012, and \$8,783,783 in the state fiscal year ending August 31, 2013, are appropriated from general revenue to the Supreme Court of Texas for Strategy B.1.1, Basic Civil Legal Services, as specified in **HB 1**, Acts of the 82nd Legislature, Regular Session, 2011; and

(2) the amounts of \$2,437,944 in the state fiscal year ending August 31, 2012, and \$5,175,887 in the state fiscal year ending August 31, 2013, are appropriated from the General Revenue-Dedicated Fair Defense Account No. 5073 to the Office of Court Administration for Strategy A.2.1, Indigent Defense, as specified in **HB 1**, Acts of the 82nd Legislature, Regular Session, 2011, allocated as follows:

(A) the amounts of \$2,350,894 for the state fiscal year ending August 31, 2012, and \$5,088,837 for the state fiscal year ending August 31, 2013, to restore grants to counties; and

(B) the amount of \$87,050 for each year of the state fiscal biennium ending August 31, 2013, for administration of the grants, including for one FTE.

(b) The maximum number of allowable FTEs for the Office of Court Administration as specified in **HB 1**, Acts of the 82nd Legislature, Regular Session, 2011, is increased by 1 FTE for grant administration for each year of the state fiscal biennium ending August 31, 2013.

Amendment No. 26 was withdrawn.

Amendment No. 27

Representative Madden offered the following amendment to **CSSB 2**:

Floor Packet Page No. 26

Amend **CSSB 2** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____ . Contingency for **HB 26**: Inmate Fee for Health Care. Contingent on the enactment of **HB 26**, 82nd Legislature, 1st Called Session, 2011, or similar legislation relating to the containment of costs incurred in the correctional health care system, the Department of Criminal Justice is appropriated from the general revenue fund an amount not to exceed \$7,705,800 in the state fiscal year ending August 31, 2012, and \$5,779,350 in the state fiscal year ending August 31, 2013, out of health care services fees deposited to the general revenue fund from inmate trust funds. Unexpended and unobligated balances of the appropriated amounts as of August 31, 2012, and August 31, 2013, are transferred to the undedicated portion of the general revenue fund.

(Hunter now present)

Amendment No. 27 was adopted by (Record 21): 98 Yeas, 45 Nays, 2 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Gonzales, L.; Gonzalez; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Guillen; Gutierrez; Hernandez Luna; Hochberg; Johnson; Lozano; Lucio;

Lyne; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker(C); Geren.

Absent, Excused — Bohac; Woolley.

Absent, Excused, Committee Meeting — Peña.

Absent — Eiland; Thompson.

STATEMENT OF VOTE

When Record No. 21 was taken, I was in the house but away from my desk. I would have voted no.

Thompson

CSSB 2, as amended, was passed to third reading by (Record 22): 98 Yeas, 47 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Torres; Truitt; Weber; White; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Giddings; Gonzales, V.; Gonzalez; Gutierrez; Hernandez Luna; Johnson; King, T.; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Simpson; Strama; Taylor, V.; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Woolley.

Absent, Excused, Committee Meeting — Peña.

Absent — Guillen.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 22. I intended to vote no.

Carter

I was shown voting no on Record No. 22. I intended to vote yes.

Deshotel

I was shown voting yes on Record No. 22. I intended to vote no.

Nash

I was shown voting no on Record No. 22. I intended to vote yes.

Strama

REASONS FOR VOTE

While I support the Farrar/D. Howard amendment which would use \$2 billion in incoming funds to the rainy day fund to fund enrollment growth in public schools, I am choosing to vote no on **SB 2** because the legislature is still moving forward with a planned \$4 billion cut to public education.

I strongly support the inclusion of the Farrar/D. Howard amendment in the final conference committee report for **SB 2**, and will not consider voting for **SB 2** if the Farrar/D. Howard amendment is not included in the final conference committee report for **SB 2**.

Alvarado, Anchia, Burnam, Castro, Eiland, Farrar, V. Gonzales, Hernandez Luna, Johnson, Lozano, Lucio, Marquez, Martinez Fischer, Menendez, Muñoz, Naishtat, Raymond, Veasey, Villarreal, and Vo

POSTPONED BUSINESS

The following bills were laid before the house as postponed business:

CSSB 1 ON SECOND READING

(Pitts - House Sponsor)

CSSB 1, A bill to be entitled An Act relating to certain state fiscal matters; providing penalties.

CSSB 1 was read second time earlier today and was postponed until this time.

(D. Miller in the chair)

Amendment No. 1

Representative Pitts offered the following amendment to **CSSB 1**:

Floor Packet Page No. 1

Amend **CSSB 1** (house committee report) as follows:

(1) Add the following ARTICLE to the bill, appropriately numbered, and renumber subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ FEDERAL FUNDS FOR BACK TO WORK PROGRAMS
OR PROGRAMS FOR HOMELESS

SECTION ____ .01. (a) Each state agency that received federal funds originally appropriated in Article XII, Chapter 1424 (**SB 1**), Acts of the 81st Legislature, Regular Session, 2009 (the General Appropriations Act) and reappropriated in Section 8.02(a), Article IX, **HB 1**, Acts of the 82nd Legislature, Regular Session, 2011, to prevent the federal law authorization to spend that

money from lapsing before the money is spent, may direct the comptroller to transfer an amount of that federal money to the office of the governor for the purposes of Subsection (b) of this section. The total of the amounts transferred under this subsection by all agencies may not exceed \$20 million.

(b) The governor may establish a program to provide grants to any person for the purposes of back to work programs or programs for the homeless authorized by legislation of the 82nd Legislature, Regular Session, 2011, or 1st Called Session, 2011, and may use money transferred to the office under Subsection (a) of this section to make those grants. To the extent practicable and consistent with the purpose of ensuring that the authorization to spend that money under federal law does not lapse before it is spent, the office must distribute evenly the money transferred to the office under Subsection (a) of this section.

(c) To the extent other law requires money to be provided for back to work programs or programs for the homeless authorized by legislation of the 82nd Legislature, Regular Session, 2011, or 1st Called Session, 2011, money provided for grants under Subsection (b) of this section reduces the requirement provided by that other law, by an amount equal to the total amount of the grants made.

(2) Strike ARTICLE 3 of the bill (page 5, line 12, through page 10, line 5) and substitute the following:

ARTICLE 3. TAX RECORDS

SECTION 3.01. Section 2153.201, Occupations Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) A record required under Subsection (a) must:

(1) be available at all times for inspection by the attorney general, the comptroller, or an authorized representative of the attorney general or comptroller as provided by Subsection (c);

(2) include information relating to:

(A) the kind of each machine;

(B) the date each machine is:

(i) acquired or received in this state; and

(ii) placed in operation;

(C) the location of each machine, including the:

(i) county;

(ii) municipality, if any; and

(iii) street or rural route number;

(D) the name and complete address of each operator of each machine;

(E) if the owner is an individual, the full name and address of the owner; and

(F) if the owner is not an individual, the name and address of each principal officer or member of the owner; and

(3) be maintained[=

~~[(A)]~~ at a permanent address in this state designated on the application for a license under Section 2153.153[=and

~~[(B) until the second anniversary of the date the owner ceases ownership of the machine that is the subject of the record].~~

(c) A record required under Subsection (a) must be available for inspection under Subsection (b) for at least four years and as required by Section 111.0041, Tax Code.

SECTION 3.02. Section 111.0041, Tax Code, is amended to read as follows:

Sec. 111.0041. RECORDS; BURDEN TO PRODUCE AND SUBSTANTIATE CLAIMS. (a) Except as provided by Subsection (b), a ~~Any~~ taxpayer who is required by this title to keep records shall keep those records open to inspection by the comptroller, the attorney general, or the authorized representatives of either of them for at least four years.

(b) A taxpayer is required to keep records, as provided by Subsection (c) with respect to the taxpayer's claim, open for inspection under Subsection (a) for more than four years throughout any period when:

(1) any tax, penalty, or interest may be assessed, collected, or refunded by the comptroller; or

(2) an administrative hearing is pending before the comptroller, or a judicial proceeding is pending, to determine the amount of the tax, penalty, or interest that has been assessed or collected or will be refunded.

(c) A taxpayer shall produce contemporaneous records and supporting documentation appropriate to the tax or fee for the transactions in question to substantiate and enable verification of the taxpayer's claim related to the amount of tax, penalty, or interest that has been assessed or collected or will be refunded in an administrative or judicial proceeding. Contemporaneous records and supporting documentation appropriate to the tax or fee include invoices, vouchers, checks, shipping records, contracts, and other equivalent records, such as electronically stored images of such documents, reflecting legal relationships and taxes collected or paid.

(d) This section prevails over any other conflicting provision of this title.

SECTION 3.03. Section 112.052, Tax Code, is amended by adding Subsection (d) to read as follows:

(d) A taxpayer shall produce contemporaneous records and supporting documentation appropriate to the tax or fee for the transaction in question to substantiate and enable verification of a taxpayer's claim relating to the amount of the tax, penalty, or interest that has been assessed or collected or will be refunded, as required by Section 111.0041.

SECTION 3.04. Section 112.151, Tax Code, is amended by adding Subsection (f) to read as follows:

(f) A taxpayer shall produce contemporaneous records and supporting documentation appropriate to the tax or fee for the transaction in question to substantiate and enable verification of a taxpayer's claim relating to the amount of the tax, penalty, or interest that has been assessed or collected or will be refunded, as required by Section 111.0041.

SECTION 3.05. Section 151.025(b), Tax Code, is amended to read as follows:

(b) A record required by Subsection (a) ~~[of this section]~~ shall be kept for not less than four years from the date ~~[day]~~ that it is made unless:

(1) the comptroller authorizes in writing its destruction at an earlier date; or

(2) Section 111.0041 requires that the record be kept for a longer period.

SECTION 3.06. Section 152.063, Tax Code, is amended by adding Subsection (h) to read as follows:

(h) Section 111.0041 applies to a person required to keep records under this chapter.

SECTION 3.07. Section 152.0635, Tax Code, is amended by adding Subsection (e) to read as follows:

(e) Section 111.0041 applies to a person required to keep records under this chapter.

SECTION 3.08. Section 154.209(a), Tax Code, is amended to read as follows:

(a) Except as provided by Section 111.0041, each ~~Each~~ permit holder shall keep records available for inspection and copying by the comptroller and the attorney general for at least four years.

SECTION 3.09. Section 155.110(a), Tax Code, is amended to read as follows:

(a) Except as provided by Section 111.0041, each ~~Each~~ permit holder shall keep records available for inspection and copying by the comptroller and the attorney general for at least four years.

SECTION 3.10. Section 160.046, Tax Code, is amended by adding Subsection (g) to read as follows:

(g) A person required to keep records under this section shall also keep the records as required by Section 111.0041.

SECTION 3.11. Subchapter A, Chapter 162, Tax Code, is amended by adding Section 162.0125 to read as follows:

Sec. 162.0125. DUTY TO KEEP RECORDS. A person required to keep a record under this chapter shall also keep the record as required by Section 111.0041.

SECTION 3.12. This article takes effect September 1, 2011, 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 this article to have effect on that date, this article takes effect October 1, 2011.

(3) In ARTICLE 33 of the bill, strike SECTION 33.01 (page 98, line 25, through page 99, line 5) and renumber subsequent SECTIONS of the ARTICLE accordingly.

(4) In SECTION 40.01 of the bill, in amended Section 501.133(a), Government Code (page 109, line 4), strike "five" and substitute "seven".

(5) In SECTION 40.01 of the bill, in amended Section 501.133(a), Government Code, strike Subdivision (a)(4) (page 109, lines 17-21) and substitute the following:

(4) four [~~three~~] public members appointed by the governor who are not affiliated with the department or with any entity with which the committee has contracted to provide health care services under this chapter, at least two of whom are licensed to practice medicine in this state; and

(6) In SECTION 40.03 of the bill, in amended Section 501.136, Government Code (page 110, line 15), strike "one" and substitute "two [~~one~~"]".

(7) In SECTION 40.06(b) of the bill (page 113, line 27, and page 114, line 1), strike "one public member to serve a term" each time it occurs and substitute "two public members to serve terms".

(8) In ARTICLE 41 of the bill, strike SECTIONS 41.01 and 41.02 (page 114, lines 10-26) and renumber subsequent SECTIONS of the ARTICLE accordingly.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Isaac offered the following amendment to **CSSB 1**:

Floor Packet Page No. 8

Amend **CSSB 1** (house committee report) as follows:

(1) In the recital to SECTION 1.01 of the bill (page 1, lines 5 and 6), strike "Subsections (c), (d), and (f), Section 42.259, Education Code, are amended" and substitute "Section 42.259, Education Code, is amended by amending Subsections (c), (d), and (f) and adding Subsection (f-1)".

(2) In SECTION 1.01 of the bill, following amended Section 42.259(f), Education Code (page 2, immediately following line 27), add the following:

(f-1) Notwithstanding Subsection (c)(8) or (d)(3), if the comptroller finds that sufficient money is available for the purposes after making necessary Medicaid payments due on or before the 25th day of August, the payments described by Subsections (c)(8) and (d)(3) shall be made on or before the 25th day of August.

Amendment No. 2 was withdrawn.

Amendment No. 3

Representative Simpson offered the following amendment to **CSSB 1**:

Floor Packet Page No. 18

Amend **CSSB 1** (house committee report) as follows:

(1) In the heading to ARTICLE 7 of the bill (page 17, line 18), strike "REMITTANCE AND".

(2) In ARTICLE 7 of the bill, strike SECTIONS 7.01 and 7.02 (page 17, line 19, through page 19, line 25).

(3) In ARTICLE 7 of the bill, strike SECTION 7.05 (page 21, line 22, through page 22, line 1).

(4) Renumber the remaining SECTIONS of ARTICLE 7 of the bill appropriately.

(5) Strike ARTICLE 8 of the bill (page 22, line 3, through page 26, line 14) and renumber subsequent ARTICLES and SECTIONS of the bill appropriately.

(Peña now present)

Representative Pitts moved to table Amendment No. 3.

The motion to table was lost by (Record 23): 59 Yeas, 80 Nays, 2 Present, not voting.

Yeas — Aliseda; Alvarado; Anderson, C.; Anderson, R.; Aycock; Beck; Bonnen; Branch; Brown; Burnam; Button; Callegari; Chisum; Cook; Crownover; Darby; Davis, J.; Davis, S.; Deshotel; Driver; Dukes; Eissler; Geren; Gooden; Gutierrez; Hardcastle; Harless; Hopson; Howard, C.; Howard, D.; Hunter; Jackson; Johnson; Keffer; Kleinschmidt; Kolkhorst; Kuempel; Lavender; Lewis; Lyne; Margo; McClendon; Menendez; Murphy; Naishtat; Orr; Otto; Patrick; Peña; Pitts; Ritter; Rodriguez; Schwertner; Scott; Shelton; Smith, W.; Smithee; Taylor, L.; Zerwas.

Nays — Allen; Alonzo; Anchia; Berman; Burkett; Cain; Carter; Castro; Christian; Craddick; Creighton; Davis, Y.; Dutton; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Guillen; Hamilton; Hancock; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Huberty; Hughes; Isaac; King, P.; King, S.; King, T.; Landtroop; Larson; Laubenberg; Legler; Lozano; Lucio; Madden; Mallory Caraway; Marquez; Martinez; Miller, S.; Morrison; Muñoz; Oliveira; Parker; Paxton; Perry; Phillips; Pickett; Price; Quintanilla; Raymond; Reynolds; Riddle; Sheets; Sheffield; Simpson; Smith, T.; Solomons; Strama; Taylor, V.; Thompson; Torres; Truitt; Turner; Villarreal; Vo; Walle; Weber; White; Workman; Zedler.

Present, not voting — Mr. Speaker; Miller, D.(C).

Absent, Excused — Bohac; Woolley.

Absent — Coleman; Eiland; Harper-Brown; Martinez Fischer; Miles; Nash; Veasey.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 23. I intended to vote no.

Alvarado

I was shown voting yes on Record No. 23. I intended to vote no.

C. Anderson

I was shown voting yes on Record No. 23. I intended to vote no.

Branch

I was shown voting yes on Record No. 23. I intended to vote no.

Menendez

I was shown voting yes on Record No. 23. I intended to vote no.

Peña

When Record No. 23 was taken, I was in the house but away from my desk. I would have voted no.

Veasey

Amendment No. 3 failed of adoption by (Record 24): 34 Yeas, 109 Nays, 3 Present, not voting.

Yeas — Anchia; Anderson, R.; Craddick; Creighton; Davis, Y.; Elkins; Giddings; Gonzalez; Guillen; Hochberg; Hughes; Isaac; King, P.; King, T.; Landtroop; Laubenberg; Lyne; Mallory Caraway; Marquez; Martinez Fischer; Miller, S.; Paxton; Perry; Phillips; Quintanilla; Raymond; Sheets; Simpson; Strama; Taylor, V.; Turner; Veasey; Weber; White.

Nays — Aliseda; Allen; Alonzo; Alvarado; Anderson, C.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Castro; Chisum; Christian; Coleman; Cook; Crownover; Darby; Davis, J.; Davis, S.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Gonzales, L.; Gonzales, V.; Gooden; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hopson; Howard, C.; Howard, D.; Huberty; Hunter; Jackson; Johnson; Keffer; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Lavender; Legler; Lewis; Lozano; Lucio; Madden; Margo; Martinez; McClendon; Menendez; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Peña; Pickett; Pitts; Price; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Thompson; Torres; Truitt; Villarreal; Vo; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Carter; Miller, D.(C).

Absent, Excused — Bohac; Woolley.

Absent — Miles; Walle.

STATEMENTS OF VOTE

I was shown voting no on Record No. 24. I intended to vote yes.

Branch

I was shown voting no on Record No. 24. I intended to vote yes.

Eiland

I was shown voting no on Record No. 24. I intended to vote yes.

Farrar

I was shown voting no on Record No. 24. I intended to vote yes.

Parker

I was shown voting no on Record No. 24. I intended to vote yes.

Solomons

Amendment No. 4

Representative Simpson offered the following amendment to **CSSB 1**:

Floor Packet Page No. 19

Amend **CSSB 1** (house committee report) by striking ARTICLE 11 of the bill (page 29, line 5, through page 30, line 18) and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of a death in the family:

Burnam on motion of Gooden.

CSSB 1 - (consideration continued)

(Speaker in the chair)

Representative Pitts moved to table Amendment No. 4.

The motion to table prevailed by (Record 25): 81 Yeas, 63 Nays, 2 Present, not voting.

Yeas — Aliseda; Anderson, C.; Aycocock; Beck; Berman; Branch; Brown; Burkett; Button; Callegari; Chisum; Cook; Crownover; Darby; Davis, J.; Davis, S.; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farrar; Fletcher; Frullo; Garza; Geren; Gonzales, L.; Gooden; Gutierrez; Hardcastle; Harless; Harper-Brown; Hilderbran; Hopson; Howard, C.; Howard, D.; Huberty; Hunter; Jackson; Johnson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Lavender; Lewis; Madden; Margo; McClendon; Miller, D.; Morrison; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Patrick; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheffield; Shelton; Smith, W.; Smithee; Solomons; Taylor, L.; Thompson; Torres; Truitt; Villarreal; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Bonnen; Cain; Carter; Castro; Christian; Coleman; Craddick; Creighton; Davis, Y.; Deshotel; Farias; Flynn; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Hamilton; Hancock; Hartnett; Hernandez Luna; Hochberg; Hughes; Isaac; King, T.; Landtroop; Laubenberg; Legler; Lozano; Lucio; Lyne; Mallory Caraway; Marquez; Martinez; Martinez Fischer; Menendez; Miles; Miller, S.; Muñoz; Parker; Paxton; Peña; Perry; Phillips; Pickett; Quintanilla; Raymond; Reynolds; Sheets; Simpson; Smith, T.; Strama; Taylor, V.; Turner; Veasey; Vo; Weber; White.

Present, not voting — Mr. Speaker(C); Rodriguez.

Absent, Excused — Bohac; Burnam; Woolley.

Absent — Walle.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 25. I intended to vote no.

C. Anderson

I was shown voting yes on Record No. 25. I intended to vote no.

Farrar

I was shown voting yes on Record No. 25. I intended to vote no.

Orr

I was shown voting yes on Record No. 25. I intended to vote no.

Solomons

Amendment No. 5

Representative Y. Davis offered the following amendment to **CSSB 1**:

Floor Packet Page No. 20

Amend **CSSB 1** (house committee printing) by striking ARTICLE 12 of the bill (page 30, line 19, through page 35, line 21) and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly.

Amendment No. 5 was withdrawn.

Amendment No. 6

Representative Darby offered the following amendment to **CSSB 1**:

Floor Packet Page No. 21

Amend **CSSB 1** (house committee printing) in SECTION 17.02 of the bill by striking proposed Section 81.070(f), Natural Resources Code (page 56, lines 17 through 19), and substituting the following:

(f) Notwithstanding any other provision of this section, the commission may not set a surcharge in an amount that would generate an amount of revenue that exceeds the amount appropriated to the commission for performing the functions specified by Section 81.068.

Amendment No. 6 was withdrawn.

Amendment No. 7

Representative Darby offered the following amendment to **CSSB 1**:

Floor Packet Page No. 22

Amend **CSSB 1** (house committee printing) in SECTION 17.03 of the bill (page 56, line 27) by inserting after "fund" and before the period, insert "or other fund indicated by the appropriation".

Amendment No. 7 was adopted.

Amendment No. 8

Representative Sheffield offered the following amendment to **CSSB 1**:

Floor Packet Page No. 23

Amend **CSSB 1** (house committee printing) by adding the following on page 66, line 20 after "sources.":

No more than five cents of the annual one dollar service line fee may be used to fund the agency's regulatory program.

Amendment No. 8 was adopted.

Amendment No. 9

Representative Turner offered the following amendment to **CSSB 1**:
Floor Packet Page No. 24

Amend **CSSB 1** (house committee printing) as follows:

(1) In ARTICLE 23 of the bill, in the heading (page 78, line 25), strike "ATTORNEY GENERAL" and substitute "STATE GOVERNMENT".

(2) In ARTICLE 23 of the bill, in SECTION 23.01, in added Section 81.113(a-1), Government Code (page 79, line 5), strike "the office of the attorney general" and substitute "a board, commission, department, agency, office, or other entity of this state's government".

Amendment No. 9 was adopted. (Phillips and V. Taylor recorded voting no.)

Amendment No. 10

Representative Martinez offered the following amendment to **CSSB 1**:
Floor Packet Page No. 25

Amend **CSSB 1** (house committee printing) in SECTION 24.01 of the bill, in amended Section 305.005(c)(1), Government Code (page 80, line 5), by striking "or 501(c)(6)," and substituting "501(c)(5), 501(c)(6), 501(c)(8), 501(c)(10), or 501(c)(19),".

Amendment No. 10 was withdrawn.

Amendment No. 11

Representative Zedler offered the following amendment to **CSSB 1**:
Floor Packet Page No. 26

Amend **CSSB 1** (house committee printing) by striking ARTICLE 29 of the bill (page 90, line 22, through page 95, line 23) and renumbering the subsequent ARTICLES and SECTIONS of the bill accordingly.

Representative Otto moved to table Amendment No. 11.

The motion to table prevailed by (Record 26): 106 Yeas, 34 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Aycock; Beck; Branch; Brown; Burkett; Button; Callegari; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Driver; Dukes; Dutton; Eissler; Farrar; Fletcher; Frullo; Garza; Geren; Gonzales, V.; Gonzalez; Gooden; Gutierrez; Hamilton; Hardcastle; Harless; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Jackson; Johnson; Keffer; King, S.; King, T.; Kleinschmidt; Kuempel; Larson; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Patrick;

Perry; Pitts; Price; Quintanilla; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheffield; Shelton; Smith, T.; Smith, W.; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; White; Workman.

Nays — Anderson, C.; Anderson, R.; Berman; Bonnen; Cain; Carter; Deshotel; Elkins; Gallego; Gonzales, L.; Guillen; Hancock; Harper-Brown; Hughes; Hunter; Isaac; King, P.; Kolkhorst; Landtroop; Laubenberg; Miller, S.; Morrison; Parker; Paxton; Peña; Phillips; Pickett; Raymond; Sheets; Simpson; Smithee; Solomons; Weber; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Burnam; Woolley.

Absent — Eiland; Farias; Flynn; Giddings; Walle; Zerwas.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 26. I intended to vote no.

Creighton

When Record No. 26 was taken, I was temporarily out of the house chamber. I would have voted yes.

Eiland

I was shown voting no on Record No. 26. I intended to vote yes.

L. Gonzales

I was shown voting yes on Record No. 26. I intended to vote no.

Harless

I was shown voting yes on Record No. 26. I intended to vote no.

C. Howard

I was shown voting yes on Record No. 26. I intended to vote no.

Huberty

I was shown voting yes on Record No. 26. I intended to vote no.

Kuempel

I was shown voting yes on Record No. 26. I intended to vote no.

Schwertner

I was shown voting yes on Record No. 26. I intended to vote no.

Sheffield

I was shown voting yes on Record No. 26. I intended to vote no.

L. Taylor

I was shown voting yes on Record No. 26. I intended to vote no.

Truitt

I was shown voting yes on Record No. 26. I intended to vote no.

Veasey

Amendment No. 12

Representative Hilderbran offered the following amendment to **CSSB 1**:

Floor Packet Page No. 27

Amend **CSSB 1** (house committee printing) by striking ARTICLE 35 of the bill (page 100, line 24, through page 102, line 7) and substituting the following appropriately numbered ARTICLE:

ARTICLE ____ . FRANCHISE TAX TOTAL REVENUE EXEMPTION

SECTION ____ .01. Section 1(c), Chapter 286 (**HB 4765**), Acts of the 81st Legislature, Regular Session, 2009, is repealed.

SECTION ____ .02. Section 2, Chapter 286 (**HB 4765**), Acts of the 81st Legislature, Regular Session, 2009, which amended former Subsection (d), Section 171.002, Tax Code, is repealed.

SECTION ____ .03. Section 3, Chapter 286 (**HB 4765**), Acts of the 81st Legislature, Regular Session, 2009, which amended former Subsection (a), Section 171.0021, Tax Code, is repealed.

SECTION ____ .04. Section 171.0021, Tax Code, is repealed.

SECTION ____ .05. Section 171.1016(d), Tax Code, is repealed.

SECTION ____ .06. (a) Before September 1 of each year, the comptroller of public accounts shall determine the difference between:

(1) the amount of revenue that would have been derived from the tax imposed by Chapter 171, Tax Code, and deposited to the property tax relief fund if the changes in law made by this article or other similar legislation providing for the retention of the \$1 million total revenue exemption for the franchise tax that is enacted by the 82nd Legislature did not become law; and

(2) the amount of revenue that is actually derived from the tax imposed by Chapter 171, Tax Code, and deposited to the credit of the property tax relief fund.

(b) Notwithstanding any other law, on the last day of each state fiscal year, the comptroller of public accounts shall transfer from the general revenue fund to the property tax relief fund a portion of the additional general revenue attributable to the changes in law made by this article that is equal to the difference determined under Subsection (a) of this section. Money transferred under this subsection may be used only to provide revenue to replace the revenue the state does not receive because of the retention of the \$1 million total revenue exemption for the franchise tax.

Amendment No. 12 was withdrawn.

Amendment No. 13

Representative Weber offered the following amendment to **CSSB 1**:

Floor Packet Page No. 29

Amend **CSSB 1** (house committee printing) by striking ARTICLE 37 of the bill (page 103, lines 4-14) and renumbering subsequent ARTICLES and SECTIONS of the bill, and any cross-references to those ARTICLES and SECTIONS, accordingly.

Representative Gooden moved to table Amendment No. 13.

The motion to table prevailed by (Record 27): 106 Yeas, 37 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Aycock; Beck; Berman; Bonnen; Branch; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eissler; Elkins; Farias; Farrar; Gallego; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hardcastle; Harless; Hernandez Luna; Hilderbran; Hochberg; Hopson; Huberty; Hunter; Isaac; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Lavender; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Morrison; Muñoz; Naishtat; Oliveira; Otto; Patrick; Peña; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheffield; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Thompson; Turner; Veasey; Vo; Walle; Workman; Zerwas.

Nays — Anderson, R.; Brown; Burkett; Button; Cain; Fletcher; Flynn; Frullo; Garza; Hancock; Harper-Brown; Hartnett; Howard, C.; Howard, D.; Hughes; Landroop; Laubenberg; Legler; Miller, D.; Miller, S.; Murphy; Nash; Orr; Parker; Paxton; Perry; Phillips; Sheets; Shelton; Simpson; Smith, T.; Taylor, V.; Torres; Truitt; Weber; White; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Burnam; Woolley.

Absent — Eiland; Jackson; Villarreal.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 27. I intended to vote no.

C. Anderson

When Record No. 27 was taken, I was in the house but away from my desk. I would have voted yes.

Eiland

Amendment No. 14

Representative Weber offered the following amendment to **CSSB 1**:

Floor Packet Page No. 30

Amend **CSSB 1** (house committee printing) by striking ARTICLE 37 of the bill (page 103, lines 4-14) and renumbering subsequent ARTICLES and SECTIONS of the bill, and any cross-references to those ARTICLES and SECTIONS, accordingly.

Amendment No. 14 was withdrawn.

Amendment No. 15

Representative Naishtat offered the following amendment to **CSSB 1**:

Floor Packet Page No. 31

Amend **CSSB 1** (house committee report), Section 37.01, by striking new Section 72.014, Government Code (page 103, line 12, through page 103, line 14), and substituting the following:

Sec. 72.014. CERTIFICATION DIVISION. The office shall establish a certification division to oversee the regulatory programs assigned to the office by law or by the supreme court. Fees collected under Section 51.008, Government Code, may be appropriated to the office to support the certification division.

Amendment No. 15 was adopted. (Phillips and V. Taylor recorded voting no.)

Amendment No. 16

Representative Dutton offered the following amendment to **CSSB 1**:

Floor Packet Page No. 32

Amend **CSSB 1** (house committee printing) by striking SECTION 39.03 (page 108, lines 14-18) and renumbering subsequent sections appropriately.

Representative Pitts moved to table Amendment No. 16.

The motion to table prevailed by (Record 28): 99 Yeas, 45 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Aycock; Beck; Berman; Branch; Brown; Button; Callegari; Carter; Chisum; Christian; Cook; Craddick; Crownover; Darby; Davis, J.; Davis, S.; Deshotel; Driver; Dukes; Eiland; Eissler; Elkins; Flynn; Frullo; Gallego; Garza; Giddings; Gonzales, L.; Gonzales, V.; Gooden; Guillen; Hardcastle; Harless; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Lavender; Lewis; Lyne; Madden; Margo; McClendon; Menendez; Morrison; Muñoz; Murphy; Nash; Orr; Otto; Parker; Patrick; Peña; Perry; Phillips; Pickett; Pitts; Price; Raymond; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Torres; Truitt; Turner; Workman; Zedler; Zerwas.

Nays — Anderson, R.; Bonnen; Burkett; Castro; Coleman; Creighton; Davis, Y.; Dutton; Farias; Farrar; Fletcher; Geren; Gonzalez; Gutierrez; Hamilton; Hancock; Harper-Brown; Hartnett; Hernandez Luna; Huberty; Johnson; King, T.;

Laubenberg; Legler; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; Miles; Miller, D.; Miller, S.; Oliveira; Paxton; Quintanilla; Reynolds; Sheffield; Thompson; Veasey; Villarreal; Vo; Walle; Weber; White.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Burnam; Woolley.

Absent — Cain; Naishtat.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 28. I intended to vote no.

Callegari

I was shown voting yes on Record No. 28. I intended to vote no.

Craddick

I was shown voting yes on Record No. 28. I intended to vote no.

Parker

Amendment No. 17

Representative Simpson offered the following amendment to **CSSB 1**:

Floor Packet Page No. 33

Amend **CSSB 1** (house committee report) by striking ARTICLE 41 of the bill (page 114, line 9, through page 115, line 26) and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly.

Representative Otto moved to table Amendment No. 17.

The motion to table prevailed by (Record 29): 119 Yeas, 25 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Aycock; Beck; Berman; Branch; Brown; Burkett; Button; Callegari; Carter; Castro; Chisum; Coleman; Cook; Craddick; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Farias; Farrar; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hardcastle; Harless; Harper-Brown; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hunter; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Morrison; Muñoz; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Peña; Perry; Pickett; Pitts; Price; Raymond; Reynolds; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Workman; Zerwas.

Nays — Anderson, C.; Anderson, R.; Bonnen; Cain; Christian; Creighton; Elkins; Fletcher; Flynn; Hancock; Hartnett; Hughes; Isaac; Landtroop; Laubenberg; Miller, S.; Paxton; Phillips; Quintanilla; Riddle; Simpson; Taylor, V.; Weber; White; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Burnam; Woolley.

Absent — Murphy; Thompson.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 29. I intended to vote no.

Parker

I was shown voting yes on Record No. 29. I intended to vote no.

Perry

I was shown voting yes on Record No. 29. I intended to vote no.

Sheets

When Record No. 29 was taken, I was in the house but away from my desk. I would have voted yes.

Thompson

Amendment No. 18

Representative D. Howard offered the following amendment to **CSSB 1**:
Floor Packet Page No. 34

Amend **CSSB 1** (house committee report) as follows:

(1) In the recital to SECTION 49.01 of the bill (page 126, lines 22 and 23), strike "Subsection (c), Section 54.214, Education Code, is amended" and substitute "Section 54.214, Education Code, is amended by amending Subsection (c) and by adding Subsection (c-1)".

(2) In SECTION 49.01 of the bill, on page 127, between lines 16 and 17, insert the following:

(c-1) Notwithstanding Subsection (c)(5), a person who previously received a tuition exemption under Section 54.214 remains eligible for an exemption if the person:

(1) is enrolled at an institution of higher education granting the exemption in courses required for teacher certification; and

(2) meets the eligibility requirements in Subsection (c) other than Subsection (c)(5).

Amendment No. 18 was adopted. (Darby recorded voting no.)

Amendment No. 19

Representative Turner offered the following amendment to **CSSB 1**:
Floor Packet Page No. 35

Amend **CSSB 1** (house committee printing) as follows:

(1) Strike SECTIONS 56.01 and 56.02 of the bill (page 136, line 19, through page 138, line 8).

(2) Strike SECTIONS 56.06 through 56.14 of the bill (page 144, line 4, through page 151, line 10).

(3) Strike SECTIONS 56.16 through 56.18 of the bill (page 151, line 18, through page 154, line 23).

(4) Strike SECTIONS 56.22 and 56.23 of the bill (page 156, line 9, through page 157, line 17).

(5) Strike SECTIONS 56.24 and 56.25 of the bill (page 157, line 18, through page 158, line 7) and substitute the following:

SECTION 56.24. Effective September 1, 2011, Sections 21.402(c-2), (c-3), and (e), Education Code, are repealed.

(6) Strike SECTION 56.27 of the bill (page 158, lines 16-21).

(7) Renumber subsequent SECTIONS in the ARTICLE accordingly.

Representative Eissler moved to table Amendment No. 19.

The motion to table prevailed by (Record 30): 94 Yeas, 51 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Orr; Otto; Parker; Patrick; Paxton; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hamilton; Hernandez Luna; Hochberg; Howard, D.; Johnson; King, T.; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Peña; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Simpson; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Burnam; Woolley.

Absent — Nash.

Amendment No. 20

Representative Patrick offered the following amendment to **CSSB 1**:

Floor Packet Page No. 36

Amend **CSSB 1** (house committee report) in ARTICLE 56 of the bill as follows:

(1) In SECTION 56.01 of the bill, in the recital (page 136, line 21), strike "Subsection (a-3)" and substitute "Subsections (a-3) and (a-4)".

(2) In SECTION 56.01 of the bill, in amended Section 12.106, Education Code (page 137, between lines 17 and 18), insert the following:

(a-4) Subsection (a-3) and this subsection expire September 1, 2013.

(3) In SECTION 56.06 of the bill, in the recital (page 144, line 4), strike "The heading" and substitute "Effective September 1, 2011, the heading".

(4) In SECTION 56.07 of the bill, in the recital (page 144, line 8), between the period and "Section 42.101", insert "Effective September 1, 2011,".

(5) In SECTION 56.07 of the bill, in the recital (page 144, lines 9 and 10) strike "(c) and (c-1)" and substitute "(c), (c-1), and (c-2)".

(6) In SECTION 56.07 of the bill, in added Section 42.101(c-1), Education Code (page 145, line 21) between "Subsection (c)" and the comma, insert "and except as provided by Subsection (c-2)".

(7) In SECTION 56.07 of the bill, in added Section 42.101(c-1), Education Code (page 145, lines 23 and 24), strike "This subsection expires September 1, 2013."

(8) In SECTION 56.07 of the bill, after added Section 42.101(c-1), Education Code (page 145, between lines 24 and 25), insert the following:

(c-2) The regular program adjustment factor ("RPAF") for a school district that does not receive funding under Section 42.2516 for the 2011-2012 school year is 0.95195 for the 2011-2012 and 2012-2013 school years. This subsection and Subsections (c) and (c-1) expire September 1, 2013.

(9) In SECTION 56.08 of the bill, in the recital (page 145, line 25), between the period and "Section 42.105", insert "Effective September 1, 2011,".

(10) In SECTION 56.09 of the bill, in the recital (page 146, line 19), between the period and "Subsection (a)", insert "Effective September 1, 2011,".

(11) Strike SECTIONS 56.16 and 56.17 of the bill, amending Section 42.253, Education Code (page 151, line 18, through page 154, line 9), and substitute the following appropriately numbered SECTIONS:

SECTION 56.____. Effective September 1, 2011, Subsection (h), Section 42.253, Education Code, is amended to read as follows:

(h) If the amount appropriated for the Foundation School Program for the second year of a state fiscal biennium is less than the amount to which school districts and open-enrollment charter schools are entitled for that year, the commissioner shall certify the amount of the difference to the Legislative Budget Board not later than January 1 of the second year of the state fiscal biennium. The Legislative Budget Board shall propose to the legislature that the certified amount be transferred to the foundation school fund from the economic stabilization fund and appropriated for the purpose of increases in allocations under this subsection. If the legislature fails during the regular session to enact the proposed transfer and appropriation and there are not funds available under Subsection (j), the commissioner shall adjust [reduce] the total amounts due to each school district

and open-enrollment charter school under this chapter and the total amounts necessary for each school district to comply with the requirements of Chapter 41 [amount of state funds allocated to each district] by an amount determined by applying to each district and school, including a district receiving funds under Section 42.2516, the same percentage adjustment to the total amount of state and local revenue due to the district or school under this chapter and Chapter 41 so that the total amount of the adjustment to all districts and schools [a method under which the application of the same number of cents of increase in tax rate in all districts applied to the taxable value of property of each district, as determined under Subchapter M, Chapter 403, Government Code,] results in an amount [a total levy] equal to the total adjustment necessary [reduction]. The following fiscal year:

(1)[7] a district's or school's entitlement under this section is increased by an amount equal to the adjustment [reduction] made under this subsection; and

(2) the amount necessary for a district to comply with the requirements of Chapter 41 is reduced by an amount equal to the adjustment made under this subsection.

SECTION 56. ____ Effective September 1, 2017, Subsection (h), Section 42.253, Education Code, is amended to read as follows:

(h) If the amount appropriated for the Foundation School Program for the second year of a state fiscal biennium is less than the amount to which school districts and open-enrollment charter schools are entitled for that year, the commissioner shall certify the amount of the difference to the Legislative Budget Board not later than January 1 of the second year of the state fiscal biennium. The Legislative Budget Board shall propose to the legislature that the certified amount be transferred to the foundation school fund from the economic stabilization fund and appropriated for the purpose of increases in allocations under this subsection. If the legislature fails during the regular session to enact the proposed transfer and appropriation and there are not funds available under Subsection (j), the commissioner shall adjust [reduce] the total amounts due to each school district and open-enrollment charter school under this chapter and the total amounts necessary for each school district to comply with the requirements of Chapter 41 [amount of state funds allocated to each district] by an amount determined by applying to each district and school the same percentage adjustment to the total amount of state and local revenue due to the district or school under this chapter and Chapter 41 so that the total amount of the adjustment to all districts and schools [a method under which the application of the same number of cents of increase in tax rate in all districts applied to the taxable value of property of each district, as determined under Subchapter M, Chapter 403, Government Code,] results in an amount [a total levy] equal to the total adjustment necessary [reduction]. The following fiscal year:

(1)[7] a district's or school's entitlement under this section is increased by an amount equal to the adjustment [reduction] made under this subsection; and

(2) the amount necessary for a district to comply with the requirements of Chapter 41 is reduced by an amount equal to the adjustment made under this subsection.

(12) Add the following appropriately numbered SECTIONS to ARTICLE 56 of the bill and renumber subsequent SECTIONS of that ARTICLE accordingly:

SECTION 56. _____. Effective September 1, 2013, Section 42.101, Education Code, is amended to read as follows:

Sec. 42.101. BASIC ALLOTMENT. (a) For each student in average daily attendance, not including the time students spend each day in special education programs in an instructional arrangement other than mainstream or career and technology education programs, for which an additional allotment is made under Subchapter C, a district is entitled to an allotment equal to the lesser of \$4,765 or the amount that results from the following formula:

$$A = \$4,765 \times (\text{DCR}/\text{MCR})$$

where:

"A" is the allotment to which a district is entitled;

"DCR" is the district's compressed tax rate, which is the product of the state compression percentage, as determined under Section 42.2516, multiplied by the maintenance and operations tax rate adopted by the district for the 2005 tax year; and

"MCR" is the state maximum compressed tax rate, which is the product of the state compression percentage, as determined under Section 42.2516, multiplied by \$1.50.

(b) A greater amount for any school year may be provided by appropriation.

SECTION 56. _____. Effective September 1, 2013, Section 42.105, Education Code, is amended to read as follows:

Sec. 42.105. SPARSITY ADJUSTMENT. Notwithstanding Sections 42.101, 42.102, and 42.103, a school district that has fewer than 130 students in average daily attendance shall be provided an adjusted basic allotment on the basis of 130 students in average daily attendance if it offers a kindergarten through grade 12 program and has preceding or current year's average daily attendance of at least 90 students or is 30 miles or more by bus route from the nearest high school district. A district offering a kindergarten through grade 8 program whose preceding or current year's average daily attendance was at least 50 students or which is 30 miles or more by bus route from the nearest high school district shall be provided an adjusted basic allotment on the basis of 75 students in average daily attendance. An average daily attendance of 60 students shall be the basis of providing the adjusted basic allotment if a district offers a kindergarten through grade 6 program and has preceding or current year's average daily attendance of at least 40 students or is 30 miles or more by bus route from the nearest high school district.

SECTION 56. _____. Effective September 1, 2013, Subsection (a), Section 42.251, Education Code, is amended to read as follows:

(a) The sum of the basic allotment under Subchapter B and the special allotments under Subchapter C, computed in accordance with this chapter, constitute the tier one allotments. The sum of the tier one allotments and the guaranteed yield allotments under Subchapter F, computed in accordance with this chapter, constitute the total cost of the Foundation School Program.

Amendment No. 20 was adopted.

Amendment No. 21

Representative Turner offered the following amendment to **CSSB 1**:

Floor Packet Page No. 45

Amend **CSSB 1** (house committee printing) as follows:

(1) In SECTION 56.01 of the bill, adding Section 12.106(a-3), Education Code (page 137, line 17), after the period, insert "This subsection expires September 1, 2013."

(2) Strike SECTION 56.02 of the bill, amending Section 12.106(a), Education Code (page 137; line 18, through page 138, line 8).

(3) In SECTION 56.06 of the bill, in the recital (page 144, line 4), strike "The heading" and substitute "Effective September 1, 2011, the heading".

(4) In SECTION 56.07 of the bill, in the recital (page 144, line 8), between the period and "Section 42.101", insert "Effective September 1, 2011,".

(5) In SECTION 56.08 of the bill, in the recital (page 145, line 25), between the period and "Section 42.105", insert "Effective September 1, 2011,".

(6) In SECTION 56.09 of the bill, in the recital (page 146, line 19), between the period and "Subsection (a)", insert "Effective September 1, 2011,".

(7) In SECTION 56.11 of the bill, in added Section 42.2516(i), Education Code (page 149, line 27, through page 150, line 2), strike "For the 2013-2014 school year and each subsequent school year, the legislature by appropriation shall establish the percentage reduction to be applied." and substitute "This subsection expires September 1, 2013."

(8) Strike SECTIONS 56.12 and 56.13 of the bill, amending Section 42.2516, Education Code (page 150, lines 3-23).

(9) Strike SECTION 56.17 of the bill, amending Section 42.253(h), Education Code (page 153, line 7, through page 154, line 9).

(10) In SECTION 56.18 of the bill, in the recital (page 154, line 10), between the period and "Section 42.258", insert "Effective September 1, 2011,".

(11) In SECTION 56.18 of the bill, in added Section 42.258(a-1), Education Code (page 154, line 23), following the period add "This subsection expires September 1, 2013."

(12) Strike SECTION 56.22 of the bill, amending Section 26.08(i), Tax Code (page 156, lines 9-26).

(13) In SECTION 56.24 of the bill, repealing various Education Code provisions, strike Subdivision (2) (page 157, line 21) and renumber the subsequent subdivisions of SECTION 56.24 accordingly.

(14) Strike SECTION 56.25 of the bill, repealing various Education Code and Tax Code provisions (page 157, line 23, through page 158, line 7).

(15) Strike SECTION 56.27 of the bill, relating to legislative intent (page 158, lines 16-21).

(16) Add the following appropriately numbered SECTIONS to ARTICLE 56 of the bill:

SECTION 56.____. Effective September 1, 2013, Section 12.106(a), Education Code, is amended to read as follows:

(a) A charter holder is entitled to receive for the open-enrollment charter school funding under Chapter 42 equal to the greater of:

(1) the amount of funding per student in weighted average daily attendance, excluding enrichment funding under Sections 42.302(a-1)(2) and (3), as they existed on January 1, 2009, that would have been received for the school during the 2009-2010 school year under Chapter 42 as it existed on January 1, 2009, and an additional amount of \$120 for each student in weighted average daily attendance; or

(2) the amount of funding per student in weighted average daily attendance, excluding enrichment funding under Section 42.302(a), to which the charter holder would be entitled for the school under Chapter 42 if the school were a school district without a tier one local share for purposes of Section 42.253 and without any local revenue for purposes of Section 42.2516.

SECTION 56. _____. Effective September 1, 2013, Section 21.402(a), Education Code, is amended to read as follows:

(a) Except as provided by Subsection (d)[, (e),] or (f), a school district must pay each classroom teacher, full-time librarian, full-time counselor certified under Subchapter B, or full-time school nurse not less than the minimum monthly salary, based on the employee's level of experience in addition to other factors, as determined by commissioner rule, determined by the following formula:

$$MS = SF \times FS$$

where:

"MS" is the minimum monthly salary;

"SF" is the applicable salary factor specified by Subsection (c); and

"FS" is the amount, as determined by the commissioner under Subsection (b), of the basic allotment as provided by Section 42.101(a) for a school district with a maintenance and operations tax rate at least equal to the state maximum compressed tax rate, as defined by Section 42.101(a) [~~state and local funds per weighted student, including funds provided under Section 42.2516, available to a district eligible to receive state assistance under Section 42.302 with a maintenance and operations tax rate per \$100 of taxable value equal to the product of the state compression percentage, as determined under Section 42.2516, multiplied by \$1.50, except that the amount of state and local funds per weighted student does not include the amount attributable to the increase in the guaranteed level made by Chapter 1187, Acts of the 77th Legislature, Regular Session, 2001].~~

SECTION 56. _____. Effective September 1, 2011, Section 42.008, Education Code, is amended by adding Subsection (e) to read as follows:

(e) This section does not apply to the 2011-2012 or 2012-2013 school year. This subsection expires September 1, 2013.

SECTION 56. _____. Effective September 1, 2013, Section 42.101, Education Code, is amended to read as follows:

Sec. 42.101. BASIC ALLOTMENT. (a) For each student in average daily attendance, not including the time students spend each day in special education programs in an instructional arrangement other than mainstream or career and technology education programs, for which an additional allotment is made under Subchapter C, a district is entitled to an allotment equal to the lesser of \$4,765 or the amount that results from the following formula:

$$A = \$4,765 \times (\text{DCR}/\text{MCR})$$

where:

"A" is the allotment to which a district is entitled;

"DCR" is the district's compressed tax rate, which is the product of the state compression percentage, as determined under Section 42.2516, multiplied by the maintenance and operations tax rate adopted by the district for the 2005 tax year; and

"MCR" is the state maximum compressed tax rate, which is the product of the state compression percentage, as determined under Section 42.2516, multiplied by \$1.50.

(b) A greater amount for any school year may be provided by appropriation.

SECTION 56.____. Effective September 1, 2013, Section 42.105, Education Code, is amended to read as follows:

Sec. 42.105. SPARSITY ADJUSTMENT. Notwithstanding Sections 42.101, 42.102, and 42.103, a school district that has fewer than 130 students in average daily attendance shall be provided an adjusted basic allotment on the basis of 130 students in average daily attendance if it offers a kindergarten through grade 12 program and has preceding or current year's average daily attendance of at least 90 students or is 30 miles or more by bus route from the nearest high school district. A district offering a kindergarten through grade 8 program whose preceding or current year's average daily attendance was at least 50 students or which is 30 miles or more by bus route from the nearest high school district shall be provided an adjusted basic allotment on the basis of 75 students in average daily attendance. An average daily attendance of 60 students shall be the basis of providing the adjusted basic allotment if a district offers a kindergarten through grade 6 program and has preceding or current year's average daily attendance of at least 40 students or is 30 miles or more by bus route from the nearest high school district.

SECTION 56.____. Effective September 1, 2013, Subsection (a), Section 42.251, Education Code, is amended to read as follows:

(a) The sum of the basic allotment under Subchapter B and the special allotments under Subchapter C, computed in accordance with this chapter, constitute the tier one allotments. The sum of the tier one allotments and the guaranteed yield allotments under Subchapter F, computed in accordance with this chapter, constitute the total cost of the Foundation School Program.

SECTION 56.____. Effective September 1, 2013, Sections 42.2516(a), (b), (d), and (f-2), Education Code, are amended to read as follows:

(a) In this section, "state compression percentage" means the percentage, as determined by the commissioner, of a school district's adopted maintenance and operations tax rate for the 2005 tax year that serves as the basis for state funding for tax rate reduction under this section. The commissioner shall determine the state compression percentage for each school year based on the percentage by which a district is able to reduce the district's maintenance and operations tax rate for that year, as compared to the district's adopted maintenance and operations tax rate for the 2005 tax year, as a result of state funds appropriated for

distribution under this section for that year from the property tax relief fund established under Section 403.109, Government Code, or from another funding source available for school district property tax relief.

(b) Notwithstanding any other provision of this title, a school district that imposes a maintenance and operations tax at a rate at least equal to the product of the state compression percentage multiplied by the maintenance and operations tax rate adopted by the district for the 2005 tax year is entitled to at least the amount of state revenue necessary to provide the district with the sum of:

(1) as calculated under Subsection (e), the amount of state and local revenue per student in weighted average daily attendance for maintenance and operations that the district would have received during the 2009-2010 school year under Chapter 41 and this chapter, as those chapters existed on January 1, 2009, at a maintenance and operations tax rate equal to the product of the state compression percentage for that year multiplied by the maintenance and operations tax rate adopted by the district for the 2005 tax year;

(2) an amount equal to the product of \$120 multiplied by the number of students in weighted average daily attendance in the district; and

(3) ~~[an amount equal to the amount the district is required to pay into the tax increment fund for a reinvestment zone under Section 311.013(n), Tax Code, in the current tax year; and~~

~~[(4)] any amount to which the district is entitled under Section 42.106.~~

(d) In determining the amount to which a district is entitled under Subsection (b)(1), the commissioner shall:

(1) include any amounts received by the district during the 2008-2009 school year under Rider 86, page III-23, Chapter 1428 (**HB 1**), Acts of the 80th Legislature, Regular Session, 2007 (the General Appropriations Act); and

(2) for a school district that paid tuition under Section 25.039 during the 2008-2009 school year, reduce the amount to which the district is entitled by the amount of tuition paid during that school year.

(f-2) The rules adopted by the commissioner under Subsection (f-1) must:

(1) require the commissioner to determine, as if this section did not exist, the effect under Chapter 41 and this chapter of a school district's action described by Subsection (f-1)(1), (2), (3), or (4) on the total state revenue to which the district would be entitled or the cost to the district of purchasing sufficient attendance credits to reduce the district's wealth per student to the equalized wealth level; and

(2) require an increase or reduction in the amount of state revenue to which a school district is entitled under Subsection (b) that is substantially equivalent to any change in total state revenue or the cost of purchasing attendance credits that would apply to the district if this section did not exist.

SECTION 56. _____. Effective September 1, 2013, Subsection (a), Section 42.25161, Education Code, is amended to read as follows:

(a) The commissioner shall provide South Texas Independent School District with the amount of state aid necessary to ensure that the district receives an amount of state and local revenue per student in weighted average daily attendance that is at least \$120 greater than the amount the district would have

received per student in weighted average daily attendance during the 2009-2010 school year under this chapter, as it existed on January 1, 2009, at a maintenance and operations tax rate equal to the product of the state compression percentage multiplied by the maintenance and operations tax rate adopted by the district for the 2005 tax year, provided that the district imposes a maintenance and operations tax at that rate.

SECTION 56.____. Effective September 1, 2013, Sections 42.253(h) and (i), Education Code, are amended to read as follows:

(h) If the amount appropriated for the Foundation School Program for the second year of a state fiscal biennium is less than the amount to which school districts are entitled for that year, the commissioner shall certify the amount of the difference to the Legislative Budget Board not later than January 1 of the second year of the state fiscal biennium. The Legislative Budget Board shall propose to the legislature that the certified amount be transferred to the foundation school fund from the economic stabilization fund and appropriated for the purpose of increases in allocations under this subsection. If the legislature fails during the regular session to enact the proposed transfer and appropriation and there are not funds available under Subsection (j), the commissioner shall reduce the total amount of state funds allocated to each district by an amount determined by a method under which the application of the same number of cents of increase in tax rate in all districts applied to the taxable value of property of each district, as determined under Subchapter M, Chapter 403, Government Code, results in a total levy equal to the total reduction. The following fiscal year, a district's entitlement under this section is increased by an amount equal to the reduction made under this subsection.

(i) Not later than March 1 each year, the commissioner shall determine the actual amount of state funds to which each school district is entitled under the allocation formulas in this chapter for the current school year and shall compare that amount with the amount of the warrants issued to each district for that year. If the amount of the warrants differs from the amount to which a district is entitled because of variations in the district's tax rate, student enrollment, or taxable value of property, the commissioner shall adjust the district's entitlement for the next fiscal year accordingly.

SECTION 56.____. Effective September 1, 2013, Section 42.258(a), Education Code, is amended to read as follows:

(a) If a school district has received an overallocation of state funds, the agency shall, by withholding from subsequent allocations of state funds or by requesting and obtaining a refund, recover from the district an amount equal to the overallocation.

(17) Renumber subsequent SECTIONS of ARTICLE 56 accordingly.

Amendment No. 21 was withdrawn.

Amendment No. 22

Representative S. King offered the following amendment to **CSSB 1**:

Floor Packet Page No. 56

Amend **CSSB 1** (house committee printing) as follows:

(1) In SECTION 56.07 of the bill, adding Section 42.101(c-1), Education Code (page 145, lines 22 and 23), strike "0.9239 for the 2011-2012 school year and 0.98 for the 2012-2013 school year." and substitute "0.98 for the 2011-2012 and 2012-2013 school years."

(2) In SECTION 56.11 of the bill, adding Section 42.2516(i), Education Code (page 149, line 25), strike "100.00" and substitute "93.50".

Amendment No. 23

Representative Hilderbran offered the following amendment to Amendment No. 22:

Amend Amendment No. 22 by S. King to **CSSB 1** (page 56 of the prefiled amendment packet) by striking the text of the amendment and substituting the following:

Amend **CSSB 1** (house committee report) as follows:

(1) In SECTION 1.01 of the bill, in amended Section 42.259, Education Code, strike amended Subsection (d) (page 2, lines 11-23), and substitute the following:

(d) Payments from the foundation school fund to each category 3 school district shall be made as follows:

(1) 30 ~~45~~ percent of the yearly entitlement of the district shall be paid in an installment to be made on or before the 25th day of September of a fiscal year;

(2) 25 ~~35~~ percent of the yearly entitlement of the district shall be paid in an installment to be made on or before the 25th day of October;

(3) 10 percent of the yearly entitlement of the district shall be paid in an installment to be made on or before the 25th day of June;

(4) 15 percent of the yearly entitlement of the district shall be paid in an installment to be made on or before the 25th day of July; and

(5) ~~(3)~~ 20 percent of the yearly entitlement of the district shall be paid in an installment to be made after the 5th day of September and not later than the 10th day of September of the calendar year following the calendar year of the payment made under Subdivision (1) ~~(on or before the 25th day of August).~~

(2) In SECTION 1.01 of the bill, in amended Section 42.259(f), Education Code (page 2, line 24), strike "(d)(3)" and substitute "(d)(5)".

(3) Strike ARTICLE 56 of the bill (page 136, line 18, through page 158, line 27), and substitute the following:

ARTICLE 56. FISCAL MATTERS RELATING TO PUBLIC SCHOOL FINANCE

SECTION 56.01. Effective September 1, 2011, Subsections (h) and (i), Section 42.253, Education Code, are amended to read as follows:

(h) If the amount appropriated for the Foundation School Program for ~~the second year of~~ a state fiscal year ~~[biennium]~~ is less than the amount to which school districts are entitled for that year, the commissioner shall adjust ~~[certify the amount of the difference to the Legislative Budget Board not later than January 1~~

~~of the second year of the state fiscal biennium. The Legislative Budget Board shall propose to the legislature that the certified amount be transferred to the foundation school fund from the economic stabilization fund and appropriated for the purpose of increases in allocations under this subsection. If the legislature fails during the regular session to enact the proposed transfer and appropriation and there are not funds available under Subsection (j), the commissioner shall reduce] the total amounts due to each school district and open-enrollment charter school under this chapter and Chapter 12, including amounts due under Section 42.2516, and the total amounts necessary for each school district to comply with the requirements of Chapter 41 [amount of state funds allocated to each district] by an amount determined by applying to each school district and open-enrollment charter school, including a district or school receiving funds under Section 42.2516, the same percentage adjustment to the amount of target revenue under Section 42.2516 for the district or school so that the total amount of the adjustment to all districts and schools [a method under which the application of the same number of cents of increase in tax rate in all districts applied to the taxable value of property of each district, as determined under Subchapter M, Chapter 403, Government Code,] results in an amount [a total levy] equal to the total adjustment necessary [reduction]. For purposes of this subsection, a school district's target revenue is the sum of the amounts described by Sections 42.2516(b)(1) and (2) and (d)(1), and an open-enrollment charter school's target revenue is the amount described by Section 12.106(a). The commissioner may make the adjustment authorized by this subsection at any time during the state fiscal year. A school district or open-enrollment charter school is not entitled to reimbursement in a subsequent fiscal year of the amount resulting from the adjustment authorized by this subsection. The commissioner may adopt rules necessary to implement this subsection. [The following fiscal year, a district's entitlement under this section is increased by an amount equal to the reduction made under this subsection.]~~

(i) Not later than March 1 each year, the commissioner shall determine the actual amount of state funds to which each school district is entitled under the allocation formulas in this chapter for the current school year, as adjusted in accordance with Subsection (h), if applicable, and shall compare that amount with the amount of the warrants issued to each district for that year. If the amount of the warrants differs from the amount to which a district is entitled because of variations in the district's tax rate, student enrollment, or taxable value of property, the commissioner shall adjust the district's entitlement for the next fiscal year accordingly.

SECTION 56.02. Effective September 1, 2013, Sections 42.253(h) and (i), Education Code, are amended to read as follows:

(h) If the amount appropriated for the Foundation School Program for the second year of a state fiscal biennium is less than the amount to which school districts are entitled for that year, the commissioner shall certify the amount of the difference to the Legislative Budget Board not later than January 1 of the second year of the state fiscal biennium. The Legislative Budget Board shall propose to the legislature that the certified amount be transferred to the foundation school

fund from the economic stabilization fund and appropriated for the purpose of increases in allocations under this subsection. If the legislature fails during the regular session to enact the proposed transfer and appropriation and there are not funds available under Subsection (j), the commissioner shall reduce the total amount of state funds allocated to each district by an amount determined by a method under which the application of the same number of cents of increase in tax rate in all districts applied to the taxable value of property of each district, as determined under Subchapter M, Chapter 403, Government Code, results in a total levy equal to the total reduction. The following fiscal year, a district's entitlement under this section is increased by an amount equal to the reduction made under this subsection.

(i) Not later than March 1 each year, the commissioner shall determine the actual amount of state funds to which each school district is entitled under the allocation formulas in this chapter for the current school year and shall compare that amount with the amount of the warrants issued to each district for that year. If the amount of the warrants differs from the amount to which a district is entitled because of variations in the district's tax rate, student enrollment, or taxable value of property, the commissioner shall adjust the district's entitlement for the next fiscal year accordingly.

Amendment No. 23 was withdrawn.

Amendment No. 22 was withdrawn.

Amendment No. 24

Representative Workman offered the following amendment to **CSSB 1**:

Floor Packet Page No. 68

Amend **CSSB 1** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____ . Title 5, Civil Practice and Remedies Code, is amended by adding Chapter 114 to read as follows:

CHAPTER 114. ADJUDICATION OF CLAIMS ARISING UNDER WRITTEN CONTRACTS WITH STATE AGENCIES

Sec. 114.001. **DEFINITIONS.** In this chapter:

(1) "Adjudication" of a claim means the bringing of a civil suit and prosecution to final judgment in county or state court and includes the bringing of an arbitration proceeding and prosecution to final resolution in accordance with any mandatory procedures established in the contract subject to this chapter for the arbitration proceedings.

(2) "Contract subject to this chapter" means a written contract stating the essential terms of the agreement for providing goods or services to the state agency that is properly executed on behalf of the state agency.

(3) "State agency" means an agency, department, commission, bureau, board, office, council, court, or other entity that is in any branch of state government and that is created by the constitution or a statute of this state,

including a university system or a system of higher education. The term does not include a county, municipality, court of a county or municipality, special purpose district, or other political subdivision of this state.

Sec. 114.002. APPLICABILITY. This chapter applies only to a claim for breach of contract in which the matter in controversy exceeds \$250,000, exclusive of interest.

Sec. 114.003. WAIVER OF IMMUNITY TO SUIT FOR CERTAIN CLAIMS. A state agency that is authorized by statute or the constitution to enter into a contract and that enters into a contract subject to this chapter waives sovereign immunity to suit for the purpose of adjudicating a claim for breach of an express or implied provision of the contract, subject to the terms and conditions of this chapter.

Sec. 114.004. LIMITATIONS ON ADJUDICATION AWARDS. (a) The total amount of money awarded in an adjudication brought against a state agency for breach of an express or implied provision of a contract subject to this chapter is limited to the following:

(1) the balance due and owed by the state agency under the contract as it may have been amended, including any amount owed as compensation for the increased cost to perform the work as a direct result of owner-caused delays or acceleration;

(2) the amount owed for change orders or additional work required to carry out the contract; and

(3) interest as allowed by law.

(b) Damages awarded in an adjudication brought against a state agency arising under a contract subject to this chapter may not include:

(1) consequential damages, except as allowed under Subsection (a)(1);

(2) exemplary damages; or

(3) damages for unabsorbed home office overhead.

Sec. 114.005. CONTRACTUAL ADJUDICATION PROCEDURES ENFORCEABLE. Adjudication procedures, including requirements for serving notices or engaging in alternative dispute resolution proceedings before bringing a suit or an arbitration proceeding, that are stated in the contract subject to this chapter or that are established by the state agency and expressly incorporated into the contract are enforceable except to the extent those procedures conflict with the terms of this chapter.

Sec. 114.006. NO WAIVER OF OTHER DEFENSES. This chapter does not waive a defense or a limitation on damages available to a party to a contract, other than a bar against suit based on sovereign immunity.

Sec. 114.007. NO WAIVER OF IMMUNITY TO SUIT IN FEDERAL COURT. This chapter does not waive sovereign immunity to suit in federal court.

Sec. 114.008. NO WAIVER OF IMMUNITY TO SUIT FOR TORT LIABILITY. This chapter does not waive sovereign immunity to a claim arising from a cause of action for negligence.

Sec. 114.009. EMPLOYMENT CONTRACTS EXEMPT. This chapter does not apply to an employment contract between a state agency and an employee of that agency.

Sec. 114.010. NO RECOVERY OF ATTORNEY'S FEES. Attorney's fees incurred by a state agency or any other party in the adjudication of a claim by or against a state agency shall not be awarded to any party in the adjudication unless the state agency has entered into a written agreement that expressly authorizes the prevailing party in the adjudication to recover its reasonable and necessary attorney's fees.

Sec. 114.011. VENUE. A suit under this chapter may be brought in a district court in:

(1) a county in which the events or omissions giving rise to the claim occurred; or

(2) Travis County.

SECTION _____. Section 2260.002, Government Code, is amended to read as follows:

Sec. 2260.002. APPLICABILITY. This chapter does not apply to:

(1) a claim for personal injury or wrongful death arising from the breach of a contract; ~~or~~

(2) a contract executed or awarded on or before August 30, 1999; or

(3) a claim for breach of contract to which Chapter 114, Civil Practice and Remedies Code, applies.

SECTION _____. (a) Chapter 114, Civil Practice and Remedies Code, as added by this Act, applies only to a claim arising under a contract executed on or after the 91st day after the last day of the legislative session. A claim that arises under a contract executed before that date is governed by the law applicable to the claim immediately before the effective date of this Act, and that law is continued in effect for that purpose.

(b) Nothing in this Act is intended to create, rescind, expand, or limit any waiver of sovereign immunity to suit applicable to any contract executed before the 91st day after the last day of the legislative session.

Amendment No. 24 was adopted. (Darby, Landtroop, and Perry recorded voting no.)

Amendment No. 25

Representative V. Taylor offered the following amendment to **CSSB 1**:
Floor Packet Page No. 72

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE _____. AUTHORITY OF PEACE OFFICERS TO REQUEST
FINGERPRINTS DURING MOTOR VEHICLE STOPS

SECTION _____.01. Chapter 2, Code of Criminal Procedure, is amended by adding Article 2.32 to read as follows:

Art. 2.32. OBTAINING FINGERPRINTS DURING MOTOR VEHICLE STOP. (a) In this article:

(1) "Citation" means any summons, ticket, or other official document issued to a person by a peace officer that requires the person to respond or appear.

(2) "Motor vehicle stop" means an occasion in which a peace officer stops a motor vehicle based on the officer's reasonable suspicion of an alleged violation of a law or ordinance.

(b) For purposes of accurately determining the person's identity, a peace officer who makes a motor vehicle stop may request and obtain one digital fingerprint from each hand of the person operating the motor vehicle if the person operating the motor vehicle fails to provide to the officer during the stop:

(1) a driver's license issued to the person under Chapter 521 or 522, Transportation Code;

(2) a driver's license or commercial driver's license issued to the person by another state;

(3) a United States passport issued to the person; or

(4) any other form of photographic identification issued to the person by a governmental entity.

(c) In addition to or instead of the digital fingerprints permitted under Subsection (b), the peace officer may request and obtain one ink fingerprint from each hand of the person if the requirements of Subsection (b) are otherwise met and the officer issues a citation to the person for any offense as part of the motor vehicle stop. An ink fingerprint must be placed on an area of the citation that can be detached from the citation without damaging or altering any information on the citation.

(d) The person operating the motor vehicle shall provide the person's fingerprints on a request by the peace officer under Subsection (b) or (c).

(e) Subject to Subsection (f), the peace officer and the applicable law enforcement agency may retain a digital or ink fingerprint under this article beyond the duration of the motor vehicle stop only if the person operating the motor vehicle is cited or arrested for an offense during or as a result of the stop.

(f) A digital or ink fingerprint taken under this article must be discarded not later than the 30th day after the date the custodian of the fingerprint receives proof from any source that each criminal charge relating to the person's citation or arrest has been resolved as follows:

(1) the charge was dismissed with prejudice against the state;

(2) the person was acquitted of the charge; or

(3) the person was convicted of an offense punishable by fine only or the charge based on such an offense was dismissed for any reason.

(g) Based on available information regarding the retention of a fingerprint under Subsection (e), a court shall make a good faith effort to notify each custodian of the defendant's fingerprints as soon as practicable after the occurrence of any disposition of the defendant's case by the court as described by Subsection (f).

(h) This article does not prevent a peace officer from obtaining fingerprints through a person's voluntary compliance with the peace officer's request for fingerprints or through any other lawful means.

Amendment No. 25 was adopted. (Alvarado, Anchia, Y. Davis, Deshotel, Dukes, Farrar, Gallego, Giddings, V. Gonzales, Guillen, D. Howard, Johnson, Lozano, Lucio, Marquez, Martinez, Martinez Fischer, Menendez, Muñoz, Naishtat, Oliveira, Otto, Peña, Quintanilla, Rodriguez, Thompson, and Vo recorded voting no.)

Amendment No. 26

Representative Truitt offered the following amendment to **CSSB 1**:

Floor Packet Page No. 75

Amend **CSSB 1** (house committee report) by adding the following appropriately numbered SECTION to ARTICLE 56 of the bill and renumbering subsequent SECTIONS of the article accordingly:

SECTION 56. _____. Section 11.158(a), Education Code, is amended to read as follows:

(a) The board of trustees of an independent school district may require payment of:

(1) a fee for materials used in any program in which the resultant product in excess of minimum requirements becomes, at the student's option, the personal property of the student, if the fee does not exceed the cost of materials;

(2) membership dues in student organizations or clubs and admission fees or charges for attending extracurricular activities, if membership or attendance is voluntary;

(3) a security deposit for the return of materials, supplies, or equipment;

(4) a fee for personal physical education and athletic equipment and apparel, although any student may provide the student's own equipment or apparel if it meets reasonable requirements and standards relating to health and safety established by the board;

(5) a fee for items of personal use or products that a student may purchase at the student's option, such as student publications, class rings, annuals, and graduation announcements;

(6) a fee specifically permitted by any other statute;

(7) a fee for an authorized voluntary student health and accident benefit plan;

(8) a reasonable fee, not to exceed the actual annual maintenance cost, for the use of musical instruments and uniforms owned or rented by the district;

(9) a fee for items of personal apparel that become the property of the student and that are used in extracurricular activities;

(10) a parking fee or a fee for an identification card;

(11) a fee for a driver training course, not to exceed the actual district cost per student in the program for the current school year;

(12) a fee for a course offered for credit that requires the use of facilities not available on the school premises or the employment of an educator who is not part of the school's regular staff, if participation in the course is at the student's option;

(13) a fee for a course offered during summer school, except that the board may charge a fee for a course required for graduation only if the course is also offered without a fee during the regular school year;

(14) a reasonable fee for transportation of a student who lives within two miles of the school the student attends to and from that school, except that the board may not charge a fee for transportation for which the school district receives funds under Section 42.155(d); ~~or~~

(15) a reasonable fee, not to exceed \$50, for costs associated with an educational program offered outside of regular school hours through which a student who was absent from class receives instruction voluntarily for the purpose of making up the missed instruction and meeting the level of attendance required under Section 25.092; or

(16) if the district does not receive any funds under Section 42.155 and does not participate in a county transportation system for which an allotment is provided under Section 42.155(i), a reasonable fee for the transportation of a student to and from the school the student attends.

Amendment No. 26 was adopted. (Alvarado, Anchia, Deshotel, Dukes, Farrar, Gallego, Giddings, V. Gonzales, Guillen, Johnson, Lozano, Lucio, Marquez, Martinez, Martinez Fischer, Menendez, Muñoz, Naishtat, Oliveira, Peña, Phillips, Quintanilla, Raymond, Rodriguez, V. Taylor, Thompson, and Vo recorded voting no.)

Amendment No. 27

Representative Martinez offered the following amendment to **CSSB 1**:
Floor Packet Page No. 78

Amend **CSSB 1** by adding the following article to the bill, numbered appropriately:

ARTICLE ____ . FIBER OPTIC CABLES FOR TRANSMITTING
INFORMATION FOR SCHOOL DISTRICTS

SECTION ____ .01. Subchapter D, Chapter 11, Education Code, is amended by adding Section 11.172 to read as follows:

Sec. 11.172. USE OF COUNTY RIGHT-OF-WAY FOR MEANS OF TRANSMITTING INFORMATION. (a) Subject to Subsection (b), a school district may place in any county right-of-way fiber optic cable or another means of transmitting information necessary or convenient for a facility of the district to receive telecommunications services or to communicate with other facilities of the district. A school district:

(1) must obtain a permit or other authorization from the county for the use of the right-of-way in the same manner as the county requires for a utility to use the county's right-of-way for a utility facility;

(2) must pay the cost of placing the cable or other means of transmitting information; and

(3) must remove or relocate, and must pay the cost of removing or relocating, the cable or other means of transmitting information in the same manner and to the same extent as the county requires for a utility to do so for a utility facility.

(b) Regardless of whether the school district obtains a permit or authorization from the county under Subsection (a), the county commissioners court by order may prohibit the district from using the county right-of-way at any time before the date the district begins performing work that involves the right-of-way.

(c) A school district, in placing fiber optic cable or another means of transmitting information under this section, to ensure that the district's cable or other means of transmitting information do not interfere with the property or facilities of the county or of a utility using the right-of-way, shall:

(1) coordinate with the county in whose right-of-way the district intends to place the cable or other means of transmitting information;

(2) notify and coordinate with each utility and provider of telecommunications services using the right-of-way;

(3) comply with all safety codes and laws that apply to work performed along or near gas or electric utility facilities during all activities related to the placement, installation, and construction;

(4) ensure that workers placing or installing fiber optic cable or other means of transmitting information observe proper standards for maintaining safe clearance from gas and electric utility facilities, including standards provided by:

(A) the federal Occupational Safety and Health Administration;

(B) Chapter 752, Health and Safety Code;

(C) the National Electrical Code (NFPA 70) or similar publications;

and

(D) the National Electrical Safety Code or similar publications; and

(5) comply with Chapter 251, Utilities Code, and other similar notification laws when working along or near gas and electric utility facilities, including by marking the school district's underground facilities in accordance with those laws.

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 this article to have immediate effect, this article takes effect on the 91st day after the last day of the legislative session.

Amendment No. 27 was withdrawn.

Amendment No. 28

Representative Madden offered the following amendment to **CSSB 1**:

Floor Packet Page No. 81

Amend **CSSB 1** (house committee printing) by inserting the following new ARTICLE, appropriately numbered, into the bill and renumbering the subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ VIRTUAL CAMPUS CHARTER SCHOOLS

SECTION ____ .01. Section 12.051, Education Code, is amended to read as follows:

Sec. 12.051. DEFINITIONS. In this subchapter:

(1) ~~["Parent" means the parent who is indicated on the student registration form at that school campus.~~

~~(2)~~ "Board" and "board of trustees" mean the board of trustees of a school district or the governing body of a home-rule school district.

(2) "Parent" means the parent who is indicated on the student registration form at that school campus.

(3) "Virtual campus charter school" means a campus charter school in which all or a portion of the instruction is provided through means of the Internet or other technology, and the students enrolled in and instructional staff of the school are geographically remote from each other.

SECTION ____ .02. Section 12.0521, Education Code, is amended by amending Subsections (a) and (b) and adding Subsections (d) and (e) to read as follows:

(a) Notwithstanding Section 12.052, in accordance with this subchapter and in the manner provided by this section, the board of trustees of a school district or the governing body of a home-rule school district may grant a charter for:

(1) a new district campus; ~~[or]~~

(2) a program that is operated:

(A) by an entity that has entered into a contract with the district under Section 11.157 to provide educational services to the district through the campus or program; and

(B) at a facility located in the boundaries of the district; or

(3) a virtual campus charter school.

(b) A student's parent or guardian may choose to enroll the student at a campus or in a program under this section, including through a transfer under Section 25.036. A school district may not assign a student to a campus or program under this section unless the student's parent or guardian has voluntarily enrolled the student at the campus or in the program. A student's parent or guardian may, at any time, remove the student from a campus or program under this section and enroll the student at the campus to which the student would ordinarily be assigned.

(d) In granting a charter under Subsection (a)(3), the board of trustees of the school district must explicitly state whether the virtual campus charter school will operate as an independent local education agency.

(e) The agency may charge a virtual campus charter school operating as an independent local education agency a fee equal to the cost of including the school as an independent local education agency in the agency's existing administrative systems, not to exceed \$25,000.

SECTION ____ .03. Section 12.056, Education Code, is amended by adding Subsections (c) and (d) to read as follows:

(c) Notwithstanding Subsection (b)(2)(I), if, in granting a charter under Section 12.0521(a)(3) for a virtual campus charter school, the board of trustees of the school district has determined that the virtual campus charter school will operate as an independent local education agency, the school is considered to be a district for purposes of Subchapters B, C, D, E, and J, Chapter 39, and the school is subject to each of those subchapters.

(d) A virtual campus charter school is exempt from any provision of this title that requires physical attendance at a school facility by the student, including any provision relating to a required method for determining attendance or instructional time that is dependent on the physical presence of a student.

SECTION ____ .04. Section 12.059, Education Code, is amended to read as follows:

Sec. 12.059. CONTENT. (a) Each charter granted under this subchapter must:

(1) describe the educational program to be offered, which may be a general or specialized program;

(2) provide that continuation of the charter is contingent on satisfactory student performance under Subchapter B, Chapter 39, and on compliance with other applicable accountability provisions under Chapter 39;

(3) specify any basis, in addition to a basis specified by this subchapter, on which the charter may be placed on probation or revoked;

(4) prohibit discrimination in admission on the basis of national origin, ethnicity, race, religion, or disability;

(5) describe the governing structure of the campus or program;

(6) specify any procedure or requirement, in addition to those under Chapter 38, that the campus or program will follow to ensure the health and safety of students and employees; and

(7) describe the manner in which an annual audit of financial and programmatic operations of the campus or program is to be conducted, including the manner in which the campus or program will provide information necessary for the school district in which it is located to participate, as required by this code or by State Board of Education rule, in the Public Education Information Management System (PEIMS).

(b) In addition to providing the information required under Subsection (a), each charter granted under Section 12.0521(a)(3) for a virtual campus charter school must:

(1) specify the method by which attendance and instructional time will be tracked and reported to verify compliance with annual attendance and instructional time requirements; and

(2) specify the educational responsibilities for each student to be met by the school's teachers.

(c) Each charter granted under Section 12.0521(a)(3) must provide that the virtual campus charter school will not enroll a student, other than a student described by Subsection (d), unless the student was enrolled in a public school in this state during the school year preceding the school year for which the student is seeking to enroll in the virtual campus charter school.

(d) The requirement imposed by Subsection (c) does not apply to a student who seeks to enroll in a virtual campus charter school at the kindergarten level.

Amendment No. 28 was withdrawn.

Amendment No. 29

Representative Shelton offered the following amendment to **CSSB 1**:

Floor Packet Page No. 85

Amend **CSSB 1** (house committee printing) by adding to the bill the following appropriately numbered new ARTICLE and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . REVISING, REVOKING, OR DENYING RENEWAL OF CHARTERS OF OPEN-ENROLLMENT CHARTER SCHOOLS

SECTION ____ .01. Subchapter D, Chapter 12, Education Code, is amended by adding Section 12.1141 to read as follows:

Sec. 12.1141. REVISION: ADDING SCHOOLS UNDER CERTAIN CIRCUMSTANCES. (a) Except as provided by Subsection (b), the commissioner may not deny approval for a charter holder to add one or more additional open-enrollment charter schools under an existing open-enrollment charter granted to the charter holder if:

(1) considering available data, the charter holder meets all criteria established by rule for adding a charter school under an existing charter other than criteria for performance based on dropout and completion rates of one or more existing charter schools under the charter and the charter holder demonstrates through a process developed by the agency that those criteria would be met if:

(A) a student enrolled at the charter school who is at least 17 years of age at the time of enrollment were not considered a dropout; and

(B) a student who graduates from the charter school before or during the student's sixth year of high school were considered a high school graduate;

(2) the charter holder, at the time of submission of the application for approval to add one or more additional charter schools, has been assigned a financial accountability rating under Subchapter D, Chapter 39, indicating financial performance that is satisfactory or better; and

(3) each additional charter school:

(A) will serve only high school students;

(B) will have an enrollment of students of whom at least 50 percent did not graduate with a ninth grade cohort; and

(C) will be in the geographical area described for the charter under Section 12.111(a)(14).

(b) The commissioner may not approve a total of more than 10 additional charter schools under Subsection (a). The commissioner may, in accordance with commissioner rule, limit the enrollment of an additional charter school as necessary to conform to the capacity limits of the charter holder or the demand for services in the geographical area, as determined by the commissioner, but may not limit the enrollment of an additional charter school to less than the number of students currently enrolled at the high school level at a charter school operated by the charter holder that focuses on dropout recovery.

(c) This section expires September 1, 2013.

SECTION ____ .02. Subchapter D, Chapter 12, Education Code, is amended by adding Section 12.1151 to read as follows:

Sec. 12.1151. LIMITATION ON REVOCATION OR DENIAL OF RENEWAL FOR CERTAIN CHARTER SCHOOLS. (a) This section applies only to an open-enrollment charter school that has an enrollment of students of whom at least 50 percent did not graduate with a ninth grade cohort.

(b) The commissioner may not revoke or deny renewal of the charter of an open-enrollment charter school to which this section applies if:

(1) considering available data, the charter holder meets all criteria established by rule for adding a charter school under an existing charter other than criteria for performance based on dropout and completion rates of one or more existing charter schools under the charter and the charter holder demonstrates through a process developed by the agency that those criteria would be met if:

(A) a student enrolled at the charter school who is at least 17 years of age at the time of enrollment were not considered a dropout; and

(B) a student who graduates from the charter school before or during the student's sixth year of high school were considered a high school graduate; and

(2) the charter holder, as of the time required by commissioner rule, has been assigned a financial accountability rating under Subchapter D, Chapter 39, that indicates financial performance that is satisfactory or better.

(c) This section expires September 1, 2013.

(Keffer in the chair)

Amendment No. 29 was withdrawn.

Amendment No. 30

Representative Harper-Brown offered the following amendment to **CSSB 1**:
Floor Packet Page No. 88

Amend **CSSB 1** (house committee printing) by adding to the bill the following appropriately numbered ARTICLE and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . GUARANTEE OF OPEN-ENROLLMENT CHARTER SCHOOL BONDS BY PERMANENT SCHOOL FUND

SECTION ____ .01. Subchapter D, Chapter 12, Education Code, is amended by adding Section 12.135 to read as follows:

Sec. 12.135. DESIGNATION AS CHARTER DISTRICT FOR PURPOSES OF BOND GUARANTEE. (a) On the application of the charter holder, the commissioner may grant designation as a charter district to an open-enrollment charter school that meets financial standards adopted by the commissioner. The financial standards must require an open-enrollment charter school to have an investment grade credit rating as specified by Section 45.0541.

(b) A charter district may apply for bonds issued under Chapter 53 for the open-enrollment charter school to be guaranteed by the permanent school fund as provided by Chapter 45.

SECTION ____ .02. Section 45.051, Education Code, is amended by adding Subdivision (1-a) and amending Subdivision (2) to read as follows:

(1-a) "Charter district" means an open-enrollment charter school designated as a charter district under Section 12.135.

(2) "Paying agent" means the financial institution that is designated by a school district or charter district as its agent for the payment of the principal of and interest on guaranteed bonds.

SECTION ____ .03. Section 45.052, Education Code, is amended to read as follows:

Sec. 45.052. GUARANTEE. (a) On approval by the commissioner, bonds issued under Subchapter A by a school district or Chapter 53 for a charter district, including refunding bonds, are guaranteed by the corpus and income of the permanent school fund.

(b) Notwithstanding any amendment of this subchapter or other law, the guarantee under this subchapter of school district or charter district bonds remains in effect until the date those bonds mature or are defeased in accordance with state law.

SECTION ____ .04. Subchapter C, Chapter 45, Education Code, is amended by adding Section 45.0532 to read as follows:

Sec. 45.0532. LIMITATION ON GUARANTEE OF CHARTER DISTRICT BONDS. (a) In addition to the general limitation under Section 45.053, the commissioner may not approve charter district bonds for guarantee under this subchapter in a total amount that exceeds the percentage of the total available capacity of the guaranteed bond program that is equal to the percentage of the number of students enrolled in open-enrollment charter schools in this state compared to the total number of students enrolled in all public schools in this state, as determined by the commissioner.

(b) For purposes of Subsection (a), the total available capacity of the guaranteed bond program is the limit established by the board under Sections 45.053(d) and 45.0531 minus the total amount of outstanding guaranteed bonds. Each time the board increases the limit under Section 45.053(d), the total amount of charter district bonds that may be guaranteed increases accordingly under Subsection (a).

(c) Notwithstanding Subsections (a) and (b), the commissioner may not approve charter district bonds for guarantee under this subchapter if the guarantee will result in lower bond ratings for school district bonds for which a guarantee is requested under this subchapter.

(d) The commissioner may request that the comptroller place the portion of the permanent school fund committed to the guarantee of charter district bonds in a segregated account if the commissioner determines that a separate account is needed to avoid any negative impact on the bond ratings of school district bonds for which a guarantee is requested under this subchapter.

(e) A guarantee of charter district bonds must be made in accordance with this chapter and any applicable federal law.

SECTION ____ .05. Section 45.054, Education Code, is amended to read as follows:

Sec. 45.054. ELIGIBILITY OF SCHOOL DISTRICT BONDS. To be eligible for approval by the commissioner, school district bonds must be issued under Subchapter A of this chapter or under Subchapter A, Chapter 1207, Government Code, to make a deposit under Subchapter B or C of that chapter, by an accredited school district.

SECTION ____ .06. Subchapter C, Chapter 45, Education Code, is amended by adding Section 45.0541 to read as follows:

Sec. 45.0541. ELIGIBILITY OF CHARTER DISTRICT BONDS. To be eligible for approval by the commissioner, charter district bonds must:

- (1) without the guarantee, be rated as investment grade by a nationally recognized investment rating firm; and
- (2) be issued under Chapter 53.

SECTION ____ .07. Subsections (a) and (b), Section 45.055, Education Code, are amended to read as follows:

(a) A school district or charter district seeking guarantee of eligible bonds under this subchapter shall apply to the commissioner using a form adopted by the commissioner for the purpose. The commissioner may adopt a single form on which a school district seeking guarantee or credit enhancement of eligible bonds may apply simultaneously first for guarantee under this subchapter and then, if that guarantee is rejected, for credit enhancement under Subchapter I.

(b) An application under Subsection (a) must include:

- (1) the name of the school district or charter district and the principal amount of the bonds to be issued;
 - (2) the name and address of the district's paying agent for those bonds;
- and

(3) the maturity schedule, estimated interest rate, and date of the bonds.

SECTION ____ .08. Section 45.056, Education Code, is amended to read as follows:

Sec. 45.056. INVESTIGATION. (a) Following receipt of an application for the guarantee of bonds, the commissioner shall conduct an investigation of the applicant school district or charter district in regard to:

- (1) the status of the district's accreditation; and
- (2) the total amount of outstanding guaranteed bonds.

(b) If following the investigation the commissioner is satisfied that the school district's bonds should be guaranteed under this subchapter or provided credit enhancement under Subchapter I, as applicable, or the charter district's bonds should be guaranteed under this subchapter, the commissioner shall endorse the bonds.

SECTION ____ .09. Subsection (b), Section 45.057, Education Code, is amended to read as follows:

(b) The guarantee is not effective unless the attorney general approves the bonds under Section 45.005 or 53.40, as applicable.

SECTION ____ .10. Subchapter C, Chapter 45, Education Code, is amended by adding Section 45.0571 to read as follows:

Sec. 45.0571. CHARTER DISTRICT BOND GUARANTEE RESERVE FUND. (a) The charter district bond guarantee reserve fund is a special fund in the state treasury outside the general revenue fund. The following amounts shall be deposited in the fund:

(1) money due from a charter district as provided by Subsection (b);
and

(2) interest earned on balances in the fund.

(b) A charter district that has a bond guaranteed as provided by this subchapter must annually remit to the commissioner, for deposit in the charter district bond guarantee reserve fund, an amount equal to 10 percent of the savings to the charter district that is a result of the lower interest rate on the bond due to the guarantee by the permanent school fund. The amount due under this section shall be amortized and paid over the duration of the bond. Each payment is due on the anniversary of the date the bond was issued. The commissioner shall adopt rules to determine the total and annual amounts due under this section.

(c) The commissioner may direct the comptroller to annually withhold the amount due to the charter district bond guarantee reserve fund under Subsection (b) for that year from the state funds otherwise payable to the charter district.

(d) Each year, the commissioner shall:

(1) review the condition of the bond guarantee program and the amount that must be deposited in the charter district bond guarantee reserve fund from charter districts; and

(2) determine if charter districts should be required to submit a greater percentage of the savings resulting from the guarantee.

(e) The commissioner shall make recommendations to the legislature based on the review under Subsection (d).

SECTION ____ .11. Section 45.058, Education Code, is amended to read as follows:

Sec. 45.058. NOTICE OF DEFAULT. Immediately following a determination that a school district or charter district will be or is unable to pay maturing or matured principal or interest on a guaranteed bond, but not later than the fifth day before maturity date, the school district or charter district shall notify the commissioner.

SECTION ____ .12. The heading to Section 45.059, Education Code, is amended to read as follows:

Sec. 45.059. PAYMENT OF SCHOOL DISTRICT BOND ON DEFAULT
[FROM PERMANENT SCHOOL FUND].

SECTION ____ .13. Subsection (a), Section 45.059, Education Code, is amended to read as follows:

(a) Immediately following receipt of notice under Section 45.058 that a school district will be or is unable to pay maturing or matured principal or interest on a guaranteed bond, the commissioner shall instruct the comptroller to transfer from the appropriate account in the permanent school fund to the district's paying agent the amount necessary to pay the maturing or matured principal or interest.

SECTION ____ .14. Subchapter C, Chapter 45, Education Code, is amended by adding Section 45.0591 to read as follows:

Sec. 45.0591. PAYMENT OF CHARTER DISTRICT BOND ON DEFAULT. (a) Immediately following receipt of notice under Section 45.058 that a charter district will be or is unable to pay maturing or matured principal or interest on a guaranteed bond, the commissioner shall instruct the comptroller to transfer from the charter district bond guarantee reserve fund created under Section 45.0571 to the district's paying agent the amount necessary to pay the maturing or matured principal or interest.

(b) If money in the charter district bond guarantee reserve fund is insufficient to pay the amount due on a bond under Subsection (a), the commissioner shall instruct the comptroller to transfer from the appropriate account in the permanent school fund to the district's paying agent the amount necessary to pay the balance of the unpaid maturing or matured principal or interest.

(c) Immediately following receipt of the funds for payment of the principal or interest, the paying agent shall pay the amount due and forward the canceled bond or coupon to the comptroller. The comptroller shall hold the canceled bond or coupon on behalf of the fund or funds from which payment was made.

(d) Following full reimbursement to the charter district bond guarantee reserve fund and the permanent school fund, if applicable, with interest, the comptroller shall further cancel the bond or coupon and forward it to the charter district for which payment was made.

SECTION ____ .15. Section 45.060, Education Code, is amended to read as follows:

Sec. 45.060. BONDS NOT ACCELERATED ON DEFAULT. If a school district or charter district fails to pay principal or interest on a guaranteed bond when it matures, other amounts not yet mature are not accelerated and do not become due by virtue of the school district's or charter district's default.

SECTION ____ .16. The heading to Section 45.061, Education Code, is amended to read as follows:

Sec. 45.061. REIMBURSEMENT OF FUNDS [PERMANENT SCHOOL FUND].

SECTION ____ .17. Section 45.061, Education Code, is amended by amending Subsections (a) and (b) and adding Subsection (a-1) to read as follows:

(a) If the commissioner orders payment from the permanent school fund or the charter district bond guarantee reserve fund on behalf of a school district or charter district, the commissioner shall direct the comptroller to withhold the amount paid, plus interest, from the first state money payable to the school district or charter district. Except as provided by Subsection (a-1), the [The] amount withheld shall be deposited to the credit of the permanent school fund.

(a-1) After the permanent school fund has been reimbursed for all money paid from the fund as the result of a default of a charter district bond guaranteed under this subchapter, any remaining amounts withheld under Subsection (a) shall be deposited to the credit of the charter district bond guarantee reserve fund.

(b) In accordance with the rules of the board, the commissioner may authorize reimbursement to the permanent school fund or charter district bond guarantee reserve fund with interest in a manner other than that provided by this section.

SECTION ____ .18. Section 45.062, Education Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) If a total of two or more payments are made under this subchapter on charter district bonds and the commissioner determines that the charter district is acting in bad faith under the guarantee program under this subchapter, the commissioner may request the attorney general to institute appropriate legal action to compel the charter district and its officers, agents, and employees to comply with the duties required of them by law in regard to the bonds.

SECTION ____ .19. Subdivision (10), Section 53.02, Education Code, is amended to read as follows:

(10) "Authorized charter school" means an open-enrollment charter school that holds a charter granted under Subchapter D, Chapter 12, and includes an open-enrollment charter school designated as a charter district as provided by Section 12.135.

SECTION ____ .20. Section 53.351, Education Code, is amended by amending Subsection (f) and adding Subsection (f-1) to read as follows:

(f) Except as provided by Subsection (f-1), a [A] revenue bond issued under this section is not a debt of the state or any state agency, political corporation, or political subdivision of the state and is not a pledge of the faith and credit of any of these entities. A revenue bond is payable solely from the revenue of the authorized open-enrollment charter school on whose behalf the bond is issued. A revenue bond issued under this section must contain on its face a statement to the effect that:

(1) neither the state nor a state agency, political corporation, or political subdivision of the state is obligated to pay the principal of or interest on the bond; and

(2) neither the faith and credit nor the taxing power of the state or any state agency, political corporation, or political subdivision of the state is pledged to the payment of the principal of or interest on the bond.

(f-1) Subsection (f) does not apply to a revenue bond issued under this section for a charter district if the bond is approved for guarantee by the permanent school fund under Subchapter C, Chapter 45.

SECTION ____ .21. This article applies only to a bond issued or refunded on or after the effective date of this Act by an open-enrollment charter school designated as a charter district under Section 12.135, Education Code, as added by this article. A bond issued or refunded by an open-enrollment charter school before the effective date of this Act is governed by the law in effect immediately before that date, and that law is continued in effect for that purpose.

Amendment No. 30 was adopted. (Aycock and Landtroop recorded voting no.)

Amendment No. 31

Representative Dutton offered the following amendment to **CSSB 1**:
Floor Packet Page No. 107

Amend **CSSB 1** (house committee printing) by adding to the bill the following appropriately numbered new ARTICLE and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . NUMBER OF DAYS OF INSTRUCTION REQUIRED TO BE PROVIDED BY SCHOOL DISTRICTS

SECTION ____ . Section 25.081, Education Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) Except as authorized under Subsection (b) or (c) of this section, Section 25.084, or Section 29.0821, for each school year each school district must operate so that the district provides for at least 180 days of instruction for students.

(c) A school district may reduce the number of days of instruction for students required by Subsection (a) for any school year for which, as a result of a reduction in state funding levels, the amount of state and local funds per weighted student available to the district is less than the amount of state and local funds per weighted student available to the district for the 2010-2011 school year. A district may reduce the number of days of instruction for students under this subsection by the number of days necessary, as determined by the district, to operate within the funding levels available to the district without furloughing any classroom teachers.

Representative Eissler moved to table Amendment No. 31.

The motion to table prevailed by (Record 31): 92 Yeas, 44 Nays, 2 Present, not voting.

Yeas — Aliseda; Anderson, C.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Deshotel; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Jackson; Johnson; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, S.; Morrison; Murphy; Nash; Orr;

Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Truitt; Weber; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Castro; Coleman; Davis, Y.; Dukes; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; King, T.; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Muñoz; Oliveira; Quintanilla; Raymond; Reynolds; Rodriguez; Simpson; Strama; Thompson; Torres; Turner; Veasey; Vo; Walle; White.

Present, not voting — Mr. Speaker; Keffer(C).

Absent, Excused — Bohac; Burnam; Woolley.

Absent — Dutton; Eiland; Garza; Isaac; Miles; Miller, D.; Naishtat; Pickett; Villarreal.

STATEMENTS OF VOTE

When Record No. 31 was taken, I was temporarily out of the house chamber. I would have voted yes.

Eiland

When Record No. 31 was taken, I was in the house but away from my desk. I would have voted yes.

Isaac

When Record No. 31 was taken, I was in the house but away from my desk. I would have voted no.

Naishtat

Amendment No. 32

Representative Dutton offered the following amendment to **CSSB 1**:
Floor Packet Page No. 108

Amend **CSSB 1** (house committee printing) by adding to the bill the following appropriately numbered new ARTICLE and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . MINIMUM NUMBER OF DAYS OF INSTRUCTION
REQUIRED TO BE PROVIDED BY SCHOOL DISTRICTS

SECTION ____ .01. Section 25.081(a), Education Code, is amended to read as follows:

(a) Except as authorized under Subsection (b) of this section, Section 25.084, or Section 29.0821, for each school year each school district must operate so that the district provides for at least 170 [~~180~~] days of instruction for students.

Amendment No. 32 was withdrawn.

Amendment No. 33

Representative Guillen offered the following amendment to **CSSB 1**:

Floor Packet Page No. 113

Amend **CSSB 1** (house committee printing) by adding to the bill the following appropriately numbered new ARTICLE and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . FLEXIBLE SCHOOL DAY PROGRAM

SECTION ____ .01. (a) Section 29.0822(a), Education Code, is amended to read as follows:

(a) Notwithstanding Section 25.081 or 25.082, a school district may apply to the commissioner to provide a flexible school day program for ~~[students who]~~:

(1) students who have dropped out of school or are at risk of dropping out of school as defined by Section 29.081;

(2) students who attend a campus that is implementing an innovative redesign of the campus or an early college high school under a plan approved by the commissioner; ~~[or]~~

(3) students who, as a result of attendance requirements under Section 25.092, will be denied credit for one or more classes in which the students have been enrolled; or

(4) a campus or campuses that would benefit from the program.

(b) Subsection (a) of this section applies beginning with the 2011-2012 school year.

Amendment No. 33 was adopted.

Amendment No. 34

Representative Shelton offered the following amendment to **CSSB 1**:

Floor Packet Page No. 114

Amend **CSSB 1** (house committee report) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . FISCAL MATTERS RELATING TO PREKINDERGARTEN PROGRAMS

SECTION ____ .01. Section 29.1532, Education Code, is amended by amending Subsection (a) and adding Subsections (d) and (e) to read as follows:

(a) A school district's prekindergarten program shall be designed to develop skills necessary for success in the regular public school curriculum, including language, mathematics, ~~[and]~~ social, and school readiness skills that are aligned with the Texas Prekindergarten Guidelines approved by the commissioner.

(d) A school district's prekindergarten program must demonstrate effectiveness in preparing children for kindergarten according to a school readiness certification system established by the commissioner. The commissioner may waive participation in the certification system for a school district whose prekindergarten program otherwise demonstrates effectiveness in preparing students for kindergarten.

(e) The commissioner may adopt rules as necessary to implement this section.

SECTION ____ .02. Section 29.154, Education Code, is amended to read as follows:

Sec. 29.154. EVALUATION OF PREKINDERGARTEN PROGRAMS.

(a) ~~The commissioner [of education, in consultation with the commissioner of human services,] shall:~~

(1) monitor and evaluate prekindergarten programs as to their developmental appropriateness and the development of school readiness, as aligned with the Texas Prekindergarten Guidelines approved by the commissioner and a school readiness certification system established by the commissioner;

(2) [The commissioners shall also] evaluate the potential for coordination on a statewide basis of prekindergarten programs with government-funded early childhood care and education programs such as child care administered under Chapter 44, Human Resources Code, and federal Head Start programs; and

(3) [That evaluation shall use recommendations contained in the report to the 71st Legislature required by Chapter 717, Acts of the 70th Legislature, Regular Session, 1987. For the purpose of providing cost effective care for children during the full workday with developmentally appropriate curriculum, the commissioners shall investigate the use of existing child care program sites as prekindergarten sites. Following the evaluation required by this section, the commissioners,] in cooperation with school districts and other program administrators, [shall] integrate programs, staff, and program sites for prekindergarten, child-care, and federal Head Start programs to the greatest extent possible.

(b) The commissioner or an entity acting under a contract with the commissioner shall provide technical assistance to implement proven school readiness components to a school district operating a prekindergarten program under this subchapter that is not certified by the commissioner following two consecutive review cycles. The commissioner is not required to provide assistance to a school district under this subsection if funding is not available.

(c) The commissioner may adopt rules as necessary to implement this section.

SECTION ____ .03. Section 42.003, Education Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) A student to whom Subsection (a) does not apply is entitled to the benefits of the Foundation School Program if the student is enrolled in a prekindergarten class under Section 29.153 that participates in a school readiness certification system established by the commissioner or that has received a waiver from participation under Section 29.1532(d).

(b-1) For the 2012-2013 school year, the commissioner may withhold from a school district an amount of the funds appropriated to the district for allotments for prekindergarten students enrolled in a classroom that participates in a school readiness certification system established by the commissioner to pay the costs of the district's participation in the school readiness certification system. The commissioner may also withhold an amount of revenue to which a school district

is otherwise entitled under Section 42.2516 to ensure that each school district in this state pays a comparable amount of the costs of participation in the system. This subsection expires September 1, 2013.

Amendment No. 34 - Point of Order

Representative Thompson raised a point of order against further consideration of Amendment No. 34.

The point of order was withdrawn.

Amendment No. 34 was withdrawn.

Amendment No. 35

Representative Guillen offered the following amendment to **CSSB 1**:
Floor Packet Page No. 117

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . ALLOCATION OF STATE AND FEDERAL FUNDS FOR
ADULT BASIC EDUCATION

SECTION ____ .01. Section 29.255, Education Code, is amended by adding Subsection (c) to read as follows:

(c) Notwithstanding any other provision of this subchapter, the agency shall allocate state and federal adult education program funds, other than federal funds set aside for state administration, special projects, and staff development, to each county based on need, performance, and efficiency.

SECTION ____ .02. Subchapter H, Chapter 29, Education Code, is amended by adding Section 29.2535 to read as follows:

Sec. 29.2535. SERVICE PROVIDER CONTRACTS: COMPETITIVE PROCUREMENT REQUIREMENT. (a) The agency shall use a competitive procurement process to award a contract to a service provider of an adult education program.

(b) The agency shall adopt rules to administer this section.

SECTION ____ .03. (a) The change in law made by Section 29.2535(a), Education Code, as added by this article, applies only to a contract entered into on or after the effective date of this article.

(b) Not later than August 31, 2012, the Texas Education Agency shall adopt rules to provide for a competitive procurement process to award contracts to service providers of adult education programs as provided by Section 29.2535, Education Code, as added by this article.

SECTION ____ .04. (a) Except as provided by Subsection (b) of this section, this article takes effect September 1, 2012.

(b) Section 29.2535(b), Education Code, as added by this article, takes effect on the 91st day after the last day of the legislative session.

Amendment No. 35 was adopted.

Amendment No. 36

Representative Madden offered the following amendment to **CSSB 1**:
Floor Packet Page No. 119

Amend **CSSB 1** (house committee report) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . VIRTUAL SCHOOL NETWORK

SECTION ____ .01. Subchapter A, Chapter 30A, Education Code, is amended by adding Section 30A.0021 to read as follows:

Sec. 30A.0021. ADULT ELIGIBILITY. (a) A person who resides in this state and is at least 21 years of age on September 1 of the school year is eligible to enroll in one or more courses provided through the state virtual school network.

(b) The commissioner may not limit the number of courses a person eligible under this section may take through the state virtual school network.

(c) A person who enrolls in a course under this section must pay to the administering authority a fee in an amount established by the commissioner. The fee under this subsection must include the cost of the course established by the administering authority under Section 30A.105(b). Section 30A.155 does not apply to enrollment under this section.

SECTION ____ .02. Section 30A.107(a), Education Code, is amended to read as follows:

(a) A provider school district or school may offer electronic courses to:

- (1) students and adults who reside in this state; and
- (2) students who reside outside this state and who meet the eligibility requirements under Section 30A.002(c).

Amendment No. 36 was withdrawn.

Amendment No. 37

Representative Madden offered the following amendment to **CSSB 1**:
Floor Packet Page No. 125

Amend **CSSB 1** (house committee report) by adding the following appropriately numbered new ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . STATE VIRTUAL SCHOOL NETWORK

SECTION ____ .01. Section 30A.105, Education Code, is amended by amending Subsections (a), (c), and (d) and adding Subsections (a-1), (a-2), and (a-3) to read as follows:

(a) The administering authority shall:

- (1) establish a schedule for an annual submission and approval process for electronic courses;
- (2) evaluate electronic courses to be offered through the state virtual school network; and

(3) not later than the 90th day after the date of submission [~~August 1 of each year~~], approve electronic courses that:

(A) meet the criteria established under Section 30A.103; and

(B) provide the minimum instructional rigor and scope required under Section 30A.104.

(a-1) If the administering authority does not take action regarding approval or disapproval of a submitted electronic course by the deadline specified in Subsection (a)(3), the course is considered approved.

(a-2) The administering authority shall publish the schedule established under Subsection (a)(1), including any deadlines specified in that schedule, and any guidelines applicable to the submission and approval process for electronic courses.

(a-3) The evaluation required by Subsection (a)(2) must include review of each electronic course component, including off-line material proposed to be used in the course.

(c) The agency shall require each school district, open-enrollment charter school, or public or private institution of higher education that submits an electronic course for evaluation and approval to pay a fee in the amount of \$500 for each course submitted. The agency shall use the fees to pay the reasonable costs of evaluating and approving electronic courses. If the amount of fees collected under this subsection is [~~funds available to the agency for that purpose are~~] insufficient to pay the costs of evaluating and approving all electronic courses submitted for evaluation and approval, the agency shall give priority to paying the costs of evaluating and approving the following courses:

(1) courses that satisfy high school graduation requirements;

(2) courses that would likely benefit a student in obtaining admission to a postsecondary institution;

(3) courses, including dual credit courses, that allow a student to earn college credit or other advanced credit;

(4) courses in subject areas most likely to be highly beneficial to students receiving educational services under the supervision of a juvenile probation department, the Texas Youth Commission, or the Texas Department of Criminal Justice; and

(5) courses in subject areas designated by the commissioner as commonly experiencing a shortage of teachers.

(d) If the agency determines that the costs of evaluating and approving a submitted electronic course will not be paid by the agency due to a shortage of fees collected [~~funds available~~] for that purpose, the school district, open-enrollment charter school, or public or private institution of higher education that submitted the course for evaluation and approval may pay the costs in order to ensure that evaluation of the course occurs.

Amendment No. 37 was adopted.

Amendment No. 38

Representatives Bonnen, Lyne, Madden, Harless, Geren, Flynn, Berman, Kolkhorst, Ritter, Sheffield, Paxton, Marquez, Anchia, Aycock, Aliseda, Otto, Hancock, Darby, Crownover, L. Taylor, Harper-Brown, Sheets, Thompson, Cook, Kleinschmidt, C. Anderson, Truitt, Hamilton, Hardcastle, Hughes, Parker, C. Howard, Isaac, Frullo, Simpson, W. Smith, S. King, Weber, Chisum, Orr, Murphy, Cain, Scott, Hopson, P. King, T. King, V. Taylor, S. Miller, Brown, Keffer, Patrick, T. Smith, Smithee, Riddle, Beck, Fletcher, Creighton, Landtroop, R. Anderson, Jackson, Lavender, J. Davis, Deshotel, and Hunter offered the following amendment to **CSSB 1**:

Floor Packet Page No. 132

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . SUNSET REVIEW OF UNIVERSITY INTERSCHOLASTIC LEAGUE

SECTION ____ .01. Section 33.083, Education Code, is amended by adding Subsection (e) to read as follows:

(e) The University Interscholastic League is subject to review under Chapter 325, Government Code (Texas Sunset Act), but is not abolished under that chapter. The University Interscholastic League shall be reviewed during the period in which state agencies abolished in 2013 are reviewed. The University Interscholastic League shall pay the costs incurred by the Sunset Advisory Commission in performing the review under this subsection. The Sunset Advisory Commission shall determine the costs of the review performed under this subsection, and the University Interscholastic League shall pay the amount of those costs promptly on receipt of a statement from the Sunset Advisory Commission regarding those costs. This subsection expires September 1, 2013.

Amendment No. 38 was adopted by (Record 32): 135 Yeas, 5 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Button; Cain; Castro; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer(C); King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Pickett; Pitts; Price; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets;

Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Weber; White; Workman; Zedler; Zerwas.

Nays — Carter; Driver; Menendez; Phillips; Quintanilla.

Present, not voting — Mr. Speaker; Aliseda.

Absent, Excused — Bohac; Burnam; Woolley.

Absent — Callegari; Coleman; Madden; Nash; Walle.

STATEMENT OF VOTE

I was shown voting present, not voting on Record No. 32. I intended to vote yes.

Aliseda

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of family business:

Walle on motion of Farias.

CSSB 1 - (consideration continued)

Amendment No. 39

Representative Flynn offered the following amendment to **CSSB 1**:

Floor Packet Page No. 133

Amend **CSSB 1** by adding the appropriately numbered sections:

SECTION ____ Subchapter B, Chapter 39, Education Code, is amended by adding Section 39.0221 to read as follows:

Sec. 39.0221. TEMPORARY MORATORIUM ON ADMINISTERING ASSESSMENT INSTRUMENTS. (a) The agency shall:

(1) develop a plan for school districts to suspend the administration of assessment instruments under Section 39.023 for the 2011-2012 and 2012-2013 school years;

(2) determine whether implementation of a plan under Subdivision (1) would result in the loss of any federal education funding under the No Child Left Behind Act of 2001 (20 U.S.C. Section 6301 et seq.) or other federal law; and

(3) advise districts regarding any potential loss of federal education funding.

(b) A superintendent of a school district may suspend district administration of assessment instruments under Section 39.023 for the 2011-2012 and 2012-2013 school years if the suspension is:

(1) approved by the board of trustees of the district; and

(2) consistent with the plan developed by the agency under Subsection

(a).

(c) A superintendent of a school district may apply funds the superintendent identifies as savings from expenditures otherwise required for assessment instruments or the administration of assessment instruments only to:

(1) the retention of teachers or other district personnel with direct student contact and involvement; or

(2) consumable resources requested by classroom teachers for classroom instruction.

(d) The amount of state funding a school district receives each school year is not contingent on a superintendent's decision under this section concerning the administration of assessment instruments under Section 39.023 for the 2011-2012 and 2012-2013 school years.

(e) This section expires September 1, 2013.

Amendment No. 39 was adopted by (Record 33): 139 Yeas, 2 Nays, 3 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Weber; White; Workman; Zedler; Zerwas.

Nays — Carter; Smith, T.

Present, not voting — Mr. Speaker; Eissler; Keffer(C).

Absent, Excused — Bohac; Burnam; Walle; Woolley.

Absent — Driver; Thompson.

STATEMENTS OF VOTE

When Record No. 33 was taken, I was in the house but away from my desk. I would have voted yes.

Driver

I was shown voting yes on Record No. 33. I intended to vote present, not voting.

Strama

Amendment No. 40

Representative Martinez offered the following amendment to CSSB 1:

Floor Packet Page No. 25

Amend **CSSB 1** (house committee printing) in SECTION 24.01 of the bill, in amended Section 305.005(c)(1), Government Code (page 80, line 5), by striking "or 501(c)(6)," and substituting "501(c)(5), 501(c)(6), 501(c)(8), 501(c)(10), or 501(c)(19),".

Amendment No. 40 was withdrawn.

Amendment No. 41

Representatives Chisum and Branch offered the following amendment to **CSSB 1**:

Floor Packet Page No. 135

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered SECTION to ARTICLE 56 of the bill and renumbering subsequent SECTIONS of the ARTICLE accordingly:

SECTION 56. ____ . Section 41.093, Education Code, is amended by adding Subsection (d) to read as follows:

(d) Notwithstanding Subsection (a), for the 2009-2010 school year, the commissioner may allow a school district to determine the cost of each credit under Subsection (a) based on the amount described by Subsection (a)(1) if the district imposed a tax to service the district's debt for the 2009 tax year at a rate at least equal to the maintenance and operations tax rate the district imposed for the 2008 tax year. This subsection expires September 1, 2012.

Amendment No. 41 was adopted.

Amendment No. 42

Representative Aycock offered the following amendment to **CSSB 1**:

Floor Packet Page No. 137

Amend **CSSB 1** (house committee printing) in ARTICLE 56 of the bill by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS of ARTICLE 56 of the bill accordingly:

SECTION 56. ____ . Section 42.152(c), Education Code, is amended to read as follows:

(c) Funds allocated under this section shall be used to fund supplemental programs and services designed to eliminate any disparity in performance on assessment instruments administered under Subchapter B, Chapter 39, or disparity in the rates of high school completion between students at risk of dropping out of school, as defined by Section 29.081, and all other students. Specifically, the funds, other than an indirect cost allotment established under State Board of Education rule, which may not exceed 45 percent, may be used to meet the costs of providing a compensatory, intensive, or accelerated instruction program under Section 29.081 or a disciplinary ~~an~~ alternative education program established under Section 37.008, to pay the costs associated with placing students in a juvenile justice alternative education program established under Section 37.011, or to support a program eligible under Title I of the

Elementary and Secondary Education Act of 1965, as provided by Pub. L. No. 103-382 and its subsequent amendments, and by federal regulations implementing that Act, at a campus at which at least 40 percent of the students are educationally disadvantaged. In meeting the costs of providing a compensatory, intensive, or accelerated instruction program under Section 29.081, a district's compensatory education allotment shall be used for costs supplementary to the regular education program, such as costs for program and student evaluation, instructional materials and equipment and other supplies required for quality instruction, supplemental staff expenses, salary for teachers of at-risk students, smaller class size, and individualized instruction. A home-rule school district or an open-enrollment charter school must use funds allocated under Subsection (a) for a purpose authorized in this subsection but is not otherwise subject to Subchapter C, Chapter 29. For ~~Notwithstanding any other provisions of this section:~~

~~(1) to ensure that a sufficient amount of the funds allotted under this section are available to supplement instructional programs and services, no more than 18 percent of the funds allotted under this section may be used to fund disciplinary alternative education programs established under Section 37.008;~~

~~(2) the commissioner may waive the limitations of Subdivision (1) upon an annual petition, by a district's board and a district's site based decision making committee, presenting the reason for the need to spend supplemental compensatory education funds on disciplinary alternative education programs under Section 37.008, provided that:~~

~~(A) the district in its petition reports the number of students in each grade level, by demographic subgroup, not making satisfactory progress under the state's assessment system; and~~

~~(B) the commissioner makes the waiver request information available annually to the public on the agency's website; and~~

~~(3) for~~ purposes of this subsection, a program specifically designed to serve students at risk of dropping out of school, as defined by Section 29.081, is considered to be a program supplemental to the regular education program, and a district may use its compensatory education allotment for such a program.

Amendment No. 42 was withdrawn.

Amendment No. 43

Representative Marquez offered the following amendment to **CSSB 1**:

Floor Packet Page No. 139

Amend **CSSB 1** (house committee report) by adding the following appropriately numbered SECTION:

SECTION _____. Subsections (s-2) and (s-3), Section 42.152, Education Code, are amended to read as follows:

(s-2) ~~The commissioner may provide allotments under Subsection (s) only if funds are specifically appropriated for that purpose or the commissioner determines that the amount appropriated for purposes of the Foundation School Program exceeds the amount to which school districts are entitled under this~~

~~chapter and the excess funds may be used for that purpose.]~~ The total amount allotted ~~[appropriated for allotments]~~ under Subsection (s) may not exceed \$9.9 million in a school year. If the total amount of allotments to which districts are entitled under Subsection (s) for a school year exceeds \$9.9 million ~~[the amount appropriated or otherwise available for allotments under that subsection]~~, the commissioner shall reduce each district's allotment under that subsection proportionately.

(s-3) Subsections (s), (s-1), (s-2), and this subsection expire September 1, 2017 ~~[2013]~~.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business:

Hancock on motion of Driver.

CSSB 1 - (consideration continued)

Representative Eissler moved to table Amendment No. 43.

The motion to table prevailed by (Record 34): 84 Yeas, 58 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Anderson, C.; Anderson, R.; Beck; Berman; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Gonzales, L.; Hamilton; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Hughes; Hunter; Isaac; Jackson; Keffer(C); King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Laubenberg; Lavender; Legler; Lyne; Madden; Miller, D.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Shelton; Simpson; Smith, T.; Smithee; Solomons; Taylor, L.; Taylor, V.; Truitt; Weber; White; Zedler; Zerwas.

Nays — Alonzo; Alvarado; Anchia; Aycock; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Geren; Giddings; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hardcastle; Hernandez Luna; Hochberg; Howard, D.; Huberty; Johnson; King, T.; Larson; Lozano; Lucio; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, S.; Muñoz; Naishtat; Oliveira; Peña; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Sheffield; Strama; Thompson; Torres; Turner; Veasey; Villarreal; Vo; Workman.

Present, not voting — Mr. Speaker.

Absent, Excused — Bohac; Burnam; Hancock; Walle; Woolley.

Absent — Lewis; Smith, W.

STATEMENT OF VOTE

I was shown voting yes on Record No. 34. I intended to vote no.

Sheets

Amendment No. 44

Representative Aycock offered the following amendment to **CSSB 1**:
Floor Packet Page No. 140

Amend **CSSB 1** (house committee report) in ARTICLE 56 of the bill by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS in the ARTICLE accordingly:

SECTION 56. _____. Subchapter C, Chapter 42, Education Code, is amended by adding Section 42.1541 to read as follows:

Sec. 42.1541. INDIRECT COST ALLOTMENTS. (a) The State Board of Education shall by rule increase the indirect cost allotments established under Sections 42.151(h), 42.152(c), 42.153(b), and 42.154(a-1) and (c) and in effect for the 2010-2011 school year in proportion to the average percentage reduction in total state and local maintenance and operations revenue provided under this chapter for the 2011-2012 school year as a result of SB 1 and SB 2, Acts of the 82nd Legislature, 1st Called Session, 2011.

(b) To the extent necessary to permit the board to comply with this section, the limitation on the percentage of the indirect cost allotment prescribed by Section 42.152(c) does not apply.

(c) The board shall take the action required by Subsection (a) not later than the date that permits the increased indirect cost allotments to apply beginning with the 2011-2012 school year.

Amendment No. 44 was adopted.

Amendment No. 45

Representative Aycock offered the following amendment to **CSSB 1**:
Floor Packet Page No. 137

Amend **CSSB 1** (house committee printing) in ARTICLE 56 of the bill by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS of ARTICLE 56 of the bill accordingly:

SECTION 56. _____. Section 42.152(c), Education Code, is amended to read as follows:

(c) Funds allocated under this section shall be used to fund supplemental programs and services designed to eliminate any disparity in performance on assessment instruments administered under Subchapter B, Chapter 39, or disparity in the rates of high school completion between students at risk of dropping out of school, as defined by Section 29.081, and all other students. Specifically, the funds, other than an indirect cost allotment established under State Board of Education rule, which may not exceed 45 percent, may be used to meet the costs of providing a compensatory, intensive, or accelerated instruction program under Section 29.081 or a disciplinary [am] alternative education

program established under Section 37.008, to pay the costs associated with placing students in a juvenile justice alternative education program established under Section 37.011, or to support a program eligible under Title I of the Elementary and Secondary Education Act of 1965, as provided by Pub. L. No. 103-382 and its subsequent amendments, and by federal regulations implementing that Act, at a campus at which at least 40 percent of the students are educationally disadvantaged. In meeting the costs of providing a compensatory, intensive, or accelerated instruction program under Section 29.081, a district's compensatory education allotment shall be used for costs supplementary to the regular education program, such as costs for program and student evaluation, instructional materials and equipment and other supplies required for quality instruction, supplemental staff expenses, salary for teachers of at-risk students, smaller class size, and individualized instruction. A home-rule school district or an open-enrollment charter school must use funds allocated under Subsection (a) for a purpose authorized in this subsection but is not otherwise subject to Subchapter C, Chapter 29. For ~~Notwithstanding any other provisions of this section:~~

~~[(1) to ensure that a sufficient amount of the funds allotted under this section are available to supplement instructional programs and services, no more than 18 percent of the funds allotted under this section may be used to fund disciplinary alternative education programs established under Section 37.008;~~

~~[(2) the commissioner may waive the limitations of Subdivision (1) upon an annual petition, by a district's board and a district's site-based decision making committee, presenting the reason for the need to spend supplemental compensatory education funds on disciplinary alternative education programs under Section 37.008, provided that:~~

~~[(A) the district in its petition reports the number of students in each grade level, by demographic subgroup, not making satisfactory progress under the state's assessment system; and~~

~~[(B) the commissioner makes the waiver request information available annually to the public on the agency's website; and~~

~~[(3) for] purposes of this subsection, a program specifically designed to serve students at risk of dropping out of school, as defined by Section 29.081, is considered to be a program supplemental to the regular education program, and a district may use its compensatory education allotment for such a program.~~

Amendment No. 45 was adopted.

Amendment No. 46

Representative Deshotel offered the following amendment to **CSSB 1**:
Floor Packet Page No. 141

Amend **CSSB 1** (house committee report) in ARTICLE 56 of the bill by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS in ARTICLE 56 accordingly:

SECTION 56.____. (a) Section 42.2531, Education Code, is amended by adding Subsection (c-1) and amending Subsection (d) to read as follows:

(c-1) Notwithstanding any other provision of this section, the commissioner shall compensate a school district for a tax refund paid in the current year as a result of a property tax value appeal for a previous year if the district is not compensated by an offsetting adjustment to the district's taxable value of property and the amount of the refund exceeds 10 percent of the district's net maintenance and operations tax revenue collected in the current year, after deducting any payments required to be made by the district to comply with Chapter 41, if applicable.

(d) Except as provided by Subsection (c-1), this ~~[This]~~ section does not require the commissioner to make any requested adjustment. A determination by the commissioner under this section is final and may not be appealed.

(b) Section 42.2531(c-1), Education Code, as added by this section, applies beginning with refunds paid during the 2010-2011 school year.

Amendment No. 46 was adopted. (Burkett, Guillen, Phillips, V. Taylor, and White recorded voting no.)

Amendment No. 47

Representative Aycock offered the following amendment to **CSSB 1**:
Floor Packet Page No. 143

Amend **CSSB 1** by adding the appropriately numbered SECTION:

SECTION _____. Section 42.302, Education Code, is amended by adding Subsection (a-3) to read as follows:

(a-3) Notwithstanding any reduction in a district's regular program allotment due to adoption of a regular program adjustment factor less than 1.0 under Section 42.101, Education Code, the entitlement under this subchapter for a district with a tax rate for maintenance and operations that was adopted pursuant to a tax ratification election is calculated using students in weighted average daily attendance determined under the law as it existed on January 1, 2011, for the portion of the adopted rate that exceeds \$1.04.

Amendment No. 47 was withdrawn.

Amendment No. 48

Representative Zedler offered the following amendment to **CSSB 1**:
Floor Packet Page No. 144

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE _____. INTERNET ACCESS TO CERTAIN SCHOOL DISTRICT
FINANCIAL INFORMATION

SECTION _____.01. Subchapter A, Chapter 44, Education Code, is amended by adding Section 44.0031 to read as follows:

Sec. 44.0031. INTERNET ACCESS TO FINANCIAL DATA. (a) Except as otherwise provided by this section, a school district shall post on the district's Internet website or on an Internet website hosted by the district's business or financial services department for viewing by interested persons a copy of the district's:

- (1) annual budget;
- (2) end-of-year financial report; and
- (3) checking account transaction register.

(b) A school district may not include in the district's checking account transaction register under Subsection (a)(3) a check issued to a district employee in payment of salary, wages, or an employment stipend.

(c) A school district may not post any information protected by state or federal law regarding confidentiality of health or education records.

(d) The superintendent and chief financial officer of a school district shall jointly notify the commissioner when the financial data required under Subsection (a) is available to interested persons. The notification must include information regarding the current and expected costs associated with implementing and maintaining the requirements of this section.

(e) If a school district is unable to post all or part of the financial data required under Subsection (a), the superintendent and chief financial officer of the school district shall jointly submit a letter to the commissioner explaining why the district is unable to post the financial data, including the results of any applicable cost analysis performed by or for the district.

SECTION ____ .02. This article takes effect January 1, 2012.

Amendment No. 48 - Point of Order

Representative Thompson raised a point of order against further consideration of Amendment No. 48.

The point of order was withdrawn.

Amendment No. 48 was withdrawn.

Amendment No. 49

Representative Huberty offered the following amendment to **CSSB 1**:
Floor Packet Page No. 146

Amend **CSSB 1** (house committee report) by adding the following appropriately numbered SECTIONS to ARTICLE 8 of the bill and renumbering subsequent SECTIONS accordingly:

SECTION ____ . Section 44.031, Education Code, is amended by adding Subsections (n) and (o) to read as follows:

(n) Subsection (o) only applies to a school district that receives funds from the state and uses any portion of those funds for the provision of food services to students of that district.

(o) A school district contract to which Subsection (a) applies under which the district contracts with another entity for that entity to manage or otherwise provide food services at one or more district schools must require that any other

contract the entity makes in performance of its duties under the contract with the district and to which Subsection (a) would apply if the district were making the contract be made:

(1) under the method listed by Subsection (a) that provides the best value to the entity and the district;

(2) with consideration of the factors specified under Subsection (b) and, as applicable, under Subsection (b-1), in determining to whom to award the contract; and

(3) as provided by Subsection (g).

SECTION _____. Section 44.031(n), Education Code, as added by this Act, applies only to a contract entered into on or after the effective date of this Act by a school district with another entity for that entity to manage or otherwise provide food services at one or more district schools. A contract entered into before the effective date of this Act by a school district with another entity for that entity to manage or otherwise provide food services at one or more district schools is governed by the law in effect on the date the contract was entered into, and that law is continued in effect for that purpose.

Amendment No. 49 failed of adoption. (Carter recorded voting no.)

Amendment No. 50

Representative Deshotel offered the following amendment to **CSSB 1**:
Floor Packet Page No. 147

Amend **CSSB 1** (house committee report) by adding the following appropriately numbered SECTION to ARTICLE 56 of the bill and renumbering subsequent SECTIONS of the article accordingly:

SECTION 56. _____. Subchapter A, Chapter 45, Education Code, is amended by adding Section 45.0061 to read as follows:

Sec. 45.0061. ADDITIONAL AUTHORITY FOR MAINTENANCE TAX REQUIRED FOR JUDGMENT ORDERING AD VALOREM TAX REFUND; BONDS. (a) This section applies only to a school district that:

(1) has an average daily attendance of less than 10,000; and

(2) is located in whole or part in a municipality with a population of less than 75,000 that is located in a county with a population of 200,000 or more bordering the State of Louisiana.

(b) Notwithstanding Section 45.003, a school district may levy, assess, and collect maintenance taxes at a rate that exceeds the rate specified in Section 45.003(d) if:

(1) additional ad valorem taxes are necessary to pay a debt of the district that:

(A) resulted from the rendition of a judgment against the district before December 1, 2011;

(B) is greater than \$5 million;

(C) decreases a property owner's ad valorem tax liability; and

(D) requires the district to refund to the property owner the difference between the amount of taxes paid by the property owner and the amount of taxes for which the property owner is liable; and

(2) the additional taxes are approved by the voters of the district at an election held for that purpose.

(c) Except as provided by Subsection (e), any additional maintenance taxes that the district collects under this section may be used only to pay the district's debt under Subsection (b)(1).

(d) Except as provided by Subsection (e), the authority of a school district to levy the additional ad valorem taxes under this section expires when the judgment against the district is paid.

(e) The governing body of a school district shall pay the district's debt under Subsection (b)(1) in a lump sum. To satisfy the district's debt under Subsection (b)(1), the governing body may levy and collect additional maintenance taxes as provided by Subsection (b) and may issue bonds. If bonds are issued:

(1) the district may use any additional maintenance taxes collected by the district under this section to pay debt service on the bonds; and

(2) the authority of the district to levy the additional ad valorem taxes expires when the bonds are paid in full or the judgment is paid, whichever occurs later.

(f) The governing body of a school district that adopts a tax rate that exceeds the rate specified in Section 45.003(d) may set the amount of the exemption from taxation authorized by Section 11.13(n), Tax Code, at any time before the date the governing body adopts the district's tax rate for the tax year in which the election approving the additional taxes is held.

(g) The authority to issue bonds granted by this section expires June 1, 2013.

Amendment No. 50 was adopted. (Burkett, Nash, Phillips, V. Taylor, and White recorded voting no.)

Amendment No. 51

Representative Branch offered the following amendment to **CSSB 1**:
Floor Packet Page No. 149

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering the remaining ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . STRATEGIC CAPITAL INVESTMENTS

SECTION ____ .01. Subchapter A, Chapter 55, Education Code, is amended by adding Section 55.05 to read as follows:

Sec. 55.05. STRATEGIC CAPITAL INVESTMENT PROJECTS. (a) An institution of higher education that authorizes the issuance of bonds under this chapter for strategic capital investment projects qualifying under this section may receive state support of the debt service on those bonds.

(b) An institution of higher education that authorizes the issuance of bonds for a strategic capital investment project must apply to the commissioner of higher education to qualify for state support of the debt service on those bonds under this section. Subject to Subsection (e), the commissioner of higher education shall approve the project for that state support if the commissioner finds that:

(1) the project is of vital importance to the institution and to higher education in this state because the project will:

(A) facilitate an innovative or transformative model of education in a field designated by the commissioner as a high-priority for the education of an innovative workforce;

(B) increase the institution's ability to attract federal and industry funding for research; and

(C) support the commercialization of technology that strengthens the state's ability to attract capital and talent for startup companies and new ventures;

(2) the institution's governing board has designated the project a high priority and a strategic capital investment by; and

(3) the project has funding support from private philanthropic sources, or from funds available to the institution other than formula funding general revenue appropriations, equal to at least two-thirds of the estimated completed cost of the project on the date that the institution applies for state support.

(c) Subject to Subsection (d), the legislature shall appropriate funds for the purpose of reimbursing a university system or institution of higher education that issues bonds for a project that qualifies under this section for the debt service on those bonds. The reimbursement for debt service on an approved project may not exceed an amount equal to the lesser of:

(1) the debt service on \$100 million in aggregate value of bonds; or

(2) the debt service on an amount of bonds equal to one-third of the estimated completed cost of the project.

(d) The legislature may not appropriate funds other than formula funding general revenue to support the debt service on bonds for projects approved under this section earlier than the second state fiscal biennium after the fiscal biennium in which the institution issues bonds for the project.

(e) The commissioner of education may approve projects for state support of debt service under this section with an aggregate total bonded indebtedness of not more than \$400 million.

(f) The commissioner of higher education may not approve a project under this section after September 1, 2015.

(g) Not later than December 31, 2014, the commissioner of higher education shall submit a report to the governor, the legislature, the Legislative Budget Board, and the Texas Public Finance Authority on:

(1) the number and scope of projects approved for funding under this section; and

(2) the effectiveness of those projects in achieving the goals described in Subsection (b)(1).

Amendment No. 52

Representative Branch offered the following amendment to Amendment No. 51:

Amend the Branch floor amendment to **CSSB 1** (prefiled amendment packet, beginning on page 149) as follows:

(1) On page 3, line 5, of the amendment, insert "the Bond Review Board," between "the Legislative Budget Board," and "and the Texas Public Finance Authority".

(2) On page 3, after line 10, of the amendment, insert a new Subsection (h) to added Section 55.05, Education Code, to read as follows:

(h) Funds deposited in the state treasury under Section 51.008, and funds appropriated by Section 17, Article 7, Texas Constitution, are not considered general revenue for purposes of this section.

Amendment No. 52 was adopted.

Amendment No. 51, as amended, was adopted. (Landtroop and Perry recorded voting no.)

(Speaker in the chair)

Amendment No. 53

Representative Deshotel offered the following amendment to **CSSB 1**:
Floor Packet Page No. 155

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill appropriately:

ARTICLE ____ . ISSUANCE OF REVENUE BONDS TO FUND
CERTAIN CAPITAL PROJECTS

SECTION ____ .01. Subchapter B, Chapter 55, Education Code, is amended by adding Section 55.1784 to read as follows:

Sec. 55.1784. TEXAS STATE UNIVERSITY SYSTEM; ADDITIONAL BONDS. (a) In addition to the other authority granted by this subchapter, the board of regents of the Texas State University System may acquire, purchase, construct, improve, renovate, enlarge, or equip facilities, including roads and related infrastructure, for projects to be financed through the issuance of bonds in accordance with this subchapter and in accordance with a systemwide revenue financing program adopted by the board for the following institutions not to exceed the following aggregate principal amounts for the projects specified as follows:

(1) Lamar University, \$25 million for the construction of a new science building;

(2) Lamar State College–Orange, \$6,410,000 for a workforce training center;

(3) Lamar State College–Port Arthur, \$2 million for an addition to the allied health building; and

(4) Lamar Institute of Technology, \$12 million for a student services and learning support center.

(b) The board may pledge irrevocably to the payment of bonds authorized by this section all or any part of the revenue funds of an institution, branch, or entity of the Texas State University System, including student tuition charges. The amount of a pledge made under this subsection may not be reduced or abrogated while the bonds for which the pledge is made, or bonds issued to refund those bonds, are outstanding.

(c) If sufficient funds are not available to the board to meet its obligations under this section, the board may transfer funds among institutions, branches, and entities of the Texas State University System to ensure the most equitable and efficient allocation of available resources for each institution, branch, or entity to carry out its duties and purposes.

SECTION ____ .02. Section 61.0572(e), Education Code, is amended to read as follows:

(e) Approval of the board is not required to acquire real property that is financed by bonds issued under Section 55.17(e)(3) or (4), 55.1713-55.1718, 55.1721-55.1728, 55.1735(a)(1), 55.174, 55.1742, 55.1743, 55.1744, 55.1751-55.17592, 55.1768, 55.1771, ~~or~~ 55.17721, or 55.1784, except that the board shall review all real property to be financed by bonds issued under those sections to determine whether the property meets the standards adopted by the board for cost, efficiency, and space use. If the property does not meet those standards, the board shall notify the governor, the lieutenant governor, the speaker of the house of representatives, and the Legislative Budget Board.

SECTION ____ .03. Section 61.058(b), Education Code, is amended to read as follows:

(b) This section does not apply to construction, repair, or rehabilitation financed by bonds issued under Section 55.17(e)(3) or (4), 55.1713-55.1718, 55.1721-55.1728, 55.174, 55.1742, 55.1743, 55.1744, 55.1751-55.17592, 55.1768, 55.1771, ~~or~~ 55.17721, or 55.1784, except that the board shall review all construction, repair, or rehabilitation to be financed by bonds issued under those sections to determine whether the construction, rehabilitation, or repair meets the standards adopted by board rule for cost, efficiency, and space use. If the construction, rehabilitation, or repair does not meet those standards, the board shall notify the governor, the lieutenant governor, the speaker of the house of representatives, and the Legislative Budget Board.

SECTION ____ .04. This article does not affect any authority or restriction regarding the activities that a public institution of higher education may conduct in connection with a facility financed by bonds authorized by this article.

Amendment No. 53 was withdrawn.

Amendment No. 54

Representative Kolkhorst offered the following amendment to **CSSB 1**:

Floor Packet Page No. 159

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering the remaining ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . TUITION REVENUE BONDS

SECTION ____ .01. Subchapter B, Chapter 55, Education Code, is amended by adding Section 55.1784 to read as follows:

Sec. 55.1784. TEXAS STATE UNIVERSITY SYSTEM; ADDITIONAL BONDS. (a) In addition to the other authority granted by this subchapter, the board of regents of the Texas State University System may acquire, purchase, construct, improve, renovate, enlarge, or equip facilities, including roads and related infrastructure, for projects to be financed through the issuance of bonds in accordance with this subchapter and in accordance with a systemwide revenue financing program adopted by the board for Sam Houston State University not to exceed the following aggregate principal amounts for the projects specified as follows:

(1) \$39,650,000 for a biology, nursing, and allied health building;

(2) \$19,575,000 for a forensic science building; and

(3) \$24,881,000 for construction of an agriculture complex and academic building.

(b) The board may pledge irrevocably to the payment of bonds authorized by this section all or any part of the revenue funds of an institution, branch, or entity of the Texas State University System, including student tuition charges. The amount of a pledge made under this subsection may not be reduced or abrogated while the bonds for which the pledge is made, or bonds issued to refund those bonds, are outstanding.

(c) If sufficient funds are not available to the board to meet its obligations under this section, the board may transfer funds among institutions, branches, and entities of the Texas State University System to ensure the most equitable and efficient allocation of available resources for each institution, branch, or entity to carry out its duties and purposes.

SECTION ____ .02. Section 61.0572(e), Education Code, is amended to read as follows:

(e) Approval of the board is not required to acquire real property that is financed by bonds issued under Section 55.17(e)(3) or (4), 55.1713-55.1718, 55.1721-55.1728, 55.1735(a)(1), 55.174, 55.1742, 55.1743, 55.1744, 55.1751-55.17592, 55.1768, 55.1771, ~~or~~ 55.17721, or 55.1784, except that the board shall review all real property to be financed by bonds issued under those sections to determine whether the property meets the standards adopted by the board for cost, efficiency, and space use. If the property does not meet those standards, the board shall notify the governor, the lieutenant governor, the speaker of the house of representatives, and the Legislative Budget Board.

SECTION ____ .03. Section 61.058(b), Education Code, is amended to read as follows:

(b) This section does not apply to construction, repair, or rehabilitation financed by bonds issued under Section 55.17(e)(3) or (4), 55.1713-55.1718, 55.1721-55.1728, 55.174, 55.1742, 55.1743, 55.1744, 55.1751-55.17592, 55.1768, 55.1771, ~~or~~ 55.17721, or 55.1784, except that the board shall review all construction, repair, or rehabilitation to be financed by bonds issued under those sections to determine whether the construction, rehabilitation, or repair meets the standards adopted by board rule for cost, efficiency, and space use. If the construction, rehabilitation, or repair does not meet those standards, the board shall notify the governor, the lieutenant governor, the speaker of the house of representatives, and the Legislative Budget Board.

SECTION ____ .04. This article does not affect any authority or restriction regarding the activities that a public institution of higher education may conduct in connection with a facility financed by bonds authorized by this article.

Amendment No. 54 was withdrawn.

Amendment No. 55

Representative Alonzo offered the following amendment to **CSSB 1**:

Floor Packet Page No. 164

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES of the bill appropriately:

ARTICLE ____ . FISCAL MATTERS CONCERNING SCHOLARSHIPS AWARDED FROM STUDENT SUCCESS-BASED FUNDS

SECTION ____ .01. Subchapter A, Chapter 56, Education Code, is amended by adding Section 56.005 to read as follows:

Sec. 56.005. STUDENT PRIORITY FOR SCHOLARSHIPS AWARDED FROM STUDENT SUCCESS-BASED FUNDS. (a) In this section:

(1) "Coordinating board" means the Texas Higher Education Coordinating Board.

(2) "Critical field" means a field of study designated as a critical field under Subsection (b).

(b) Except as otherwise provided by Subdivision (2), the fields of engineering, computer science, mathematics, physical science, allied health, nursing, and teaching certification in the field of science or mathematics are critical fields. Beginning September 1, 2012, the coordinating board, based on the coordinating board's determination of those fields of study in which the support and development of postsecondary education programs at the bachelor's degree level are most critically necessary for serving the needs of this state, by rule may:

(1) designate as a critical field a field of study that is not currently designated by this subsection or by the board as a critical field; or

(2) remove a field of study from the list of fields currently designated by this subsection or by the board as critical fields.

(c) Notwithstanding any other law, in determining who should receive scholarships awarded by an institution of higher education from funds appropriated to the institution based on student success, the institution shall give priority to awarding the scholarships to eligible students enrolled in critical fields.

(d) The coordinating board may adopt rules for the administration of this section.

SECTION ____ .02. Section 56.005, Education Code, as added by this article, applies beginning with scholarships awarded by a public institution of higher education for the 2011 fall semester. Scholarships awarded before the 2011 fall semester are covered by the law in effect immediately before the effective date of this article, and the former law is continued in effect for that purpose.

Amendment No. 55 was adopted. (Phillips, V. Taylor, and White recorded voting no.)

Amendment No. 56

Representative Margo offered the following amendment to **CSSB 1**:

Floor Packet Page No. 166

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering the remaining ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . FISCAL MATTERS CONCERNING PERMANENT FUNDS
FOR HEALTH-RELATED INSTITUTIONS OF HIGHER EDUCATION

SECTION ____ .01. Subchapter B, Chapter 63, Education Code, is amended by adding Section 63.104 to read as follows:

Sec. 63.104. INVESTMENT AND DISTRIBUTION POLICY
GOVERNING ENDOWMENT OF THE UNIVERSITY OF TEXAS AT EL
PASO. The governing board of The University of Texas at El Paso shall adopt an
investment and distribution policy for the institution's endowment fund provided
by this subchapter. Section 63.102 does not apply to the investment, distribution,
or expenditure of money from the endowment fund.

Amendment No. 56 was adopted.

Amendment No. 57

Representative Alonzo offered the following amendment to **CSSB 1**:

Floor Packet Page No. 168

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering the remaining ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . OPTOMETRY CAREER PROGRAM AT THE
UNIVERSITY OF HOUSTON

SECTION ____ .01. Subchapter C, Chapter 111, Education Code, is amended by adding Section 111.43 to read as follows:

Sec. 111.43. OPTOMETRY CAREER PROGRAM. The university may operate a summer program that prepares highly qualified, economically disadvantaged junior-level, senior-level, and postbaccalaureate students from any public or private institution of higher education for advanced studies and a career in the field of optometry.

Amendment No. 57 was adopted. (Burkett, Phillips, V. Taylor, and White recorded voting no.)

Amendment No. 58

Representative V. Taylor offered the following amendment to **CSSB 1**:
Floor Packet Page No. 169

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered SECTION to ARTICLE 13 of the bill and renumbering the remaining SECTIONS of that ARTICLE accordingly:

SECTION 13.____. (a) Subchapter C, Chapter 13, Election Code, is amended by adding Section 13.0721 to read as follows:

Sec. 13.0721. DETERMINATION OF CITIZENSHIP. (a) This section does not apply to an application for registration submitted to the Department of Public Safety in person with the proof of citizenship required by Section 20.063(e).

(b) The secretary of state shall verify with the Department of Public Safety the citizenship status of each applicant for voter registration whose information is forwarded to the secretary of state as provided by Section 13.071(c). If the department verifies the applicant's citizenship status, the secretary of state shall notify the registrar. If the department does not have information regarding the citizenship status of the applicant or has information indicating that the applicant is not a citizen, the registrar and the applicant shall be notified as provided by secretary of state rule.

(c) An applicant for voter registration who receives notice under Subsection (b) must provide proof of citizenship to the registrar not later than the 60th day after the date of receipt. Except as provided by Subsection (d), this proof must be presented in person. The following is acceptable as proof of citizenship under this section:

(1) an unexpired passport issued to the person;
(2) a certified copy of a birth certificate or other document confirming the person's birth that is admissible in a court of law and establishes the person's identity, presented with a government-issued identification that contains the person's photograph; or

(3) United States citizenship papers issued to the person, presented with a government-issued identification that contains the person's photograph.

(d) An applicant may mail a certified copy of a document described by Subsection (c)(2) or (3) with a copy of the person's government-issued photo identification to the registrar.

(e) If an applicant does not provide proof of citizenship as required, the registrar shall reject the application and notify the secretary of state. The secretary of state shall keep a list of applicants of which the secretary receives notice under this section.

(f) The secretary of state shall adopt rules and prescribe procedures to implement this section.

(b) Section 13.143(a), Election Code, is amended to read as follows:

(a) Except as provided by Subsection ~~[Subsections]~~ (b) ~~and (c)~~, if an applicant's registration application is approved, the registration becomes effective on the 30th day after the date the application is approved ~~[submitted to the registrar]~~ or on the date the applicant becomes 18 years of age, whichever is later.

(c) Section 20.063, Election Code, is amended by adding Subsection (e) to read as follows:

(e) A person who submits a voter registration application to the department in person shall at the time of submission present as proof of citizenship:

(1) an unexpired passport issued to the person;

(2) a certified copy of a birth certificate or other document confirming the person's birth that is admissible in a court of law and establishes the person's identity; or

(3) United States citizenship papers issued to the person.

(d) Section 13.071, Election Code, is amended to read as follows:

Sec. 13.071. REVIEW OF APPLICATION. (a) The registrar shall review each submitted application for registration to determine whether it complies with Section 13.002 and indicates that the applicant is a United States citizen eligible for registration.

(b) If the application is submitted to the Department of Public Safety in person with the proof of citizenship required by Section 20.063(e), the [The] registrar shall make the determination not later than the seventh day after the date the application is submitted to the registrar.

(c) If the application is submitted in a manner other than the manner described by Subsection (b), the registrar shall forward the information relating to the applicant to the secretary of state for determining citizenship as provided by Section 13.0721.

(e) Sections 13.041 and 13.143(d) and (e), Election Code, are repealed.

(f) The changes in law made by this section apply only to an application to register to vote submitted on or after the effective date of this section.

Amendment No. 58 - Point of Order

Representative Anchia raised a point of order against further consideration of Amendment No. 58 under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.

The point of order was withdrawn.

Amendment No. 58 was withdrawn.

Amendment No. 59

Representative Geren offered the following amendment to **CSSB 1**:

Floor Packet Page No. 172

Amend **CSSB 1** (house committee report) by adding the appropriately numbered SECTIONS to the bill:

(1) SECTION _____. Section 254.031(a), Election Code, is amended to read as follows:

(a) Except as otherwise provided by this chapter, each report filed under this chapter must include:

(1) the amount of political contributions from each person that in the aggregate exceed \$50 and that are accepted during the reporting period by the person or committee required to file a report under this chapter, the full name and address of the person making the contributions, and the dates of the contributions;

(2) the amount of loans that are made during the reporting period for campaign or officeholder purposes to the person or committee required to file the report and that in the aggregate exceed \$50, the dates the loans are made, the interest rate, the maturity date, the type of collateral for the loans, if any, the full name and address of the person or financial institution making the loans, the full name and address, principal occupation, and name of the employer of each guarantor of the loans, the amount of the loans guaranteed by each guarantor, and the aggregate principal amount of all outstanding loans as of the last day of the reporting period;

(3) the amount of political expenditures that in the aggregate exceed \$100 [~~\$50~~] and that are made during the reporting period, the full name and address of the persons to whom the expenditures are made, and the dates and purposes of the expenditures;

(4) the amount of each payment made during the reporting period from a political contribution if the payment is not a political expenditure, the full name and address of the person to whom the payment is made, and the date and purpose of the payment;

(5) the total amount or a specific listing of the political contributions of \$50 or less accepted and the total amount or a specific listing of the political expenditures of \$100 [~~\$50~~] or less made during the reporting period;

(6) the total amount of all political contributions accepted and the total amount of all political expenditures made during the reporting period;

(7) the name of each candidate or officeholder who benefits from a direct campaign expenditure made during the reporting period by the person or committee required to file the report, and the office sought or held, excluding a direct campaign expenditure that is made by the principal political committee of a political party on behalf of a slate of two or more nominees of that party; [~~and~~]

(8) as of the last day of a reporting period for which the person is required to file a report, the total amount of political contributions accepted, including interest or other income on those contributions, maintained in one or more accounts in which political contributions are deposited as of the last day of the reporting period;

(9) any credit, interest, rebate, refund, reimbursement, or return of a deposit fee resulting from the use of a political contribution or an asset purchased with a political contribution received during the reporting period and the amount of which exceeds \$100;

(10) any proceeds of the sale of an asset purchased with a political contribution received during the reporting period and the amount of which exceeds \$100;

(11) any investment purchased with a political contribution received during the reporting period and the amount of which exceeds \$100;

(12) any other gain from a political contribution received during the reporting period and the amount of which exceeds \$100; and

(13) the full name and address of each person from whom an amount described by Subdivision (9), (10), (11), or (12) is received, the date the amount is received, and the purpose for which the amount is received.

SECTION _____. Subchapter B, Chapter 254, Election Code, is amended by adding Section 254.0405 to read as follows:

Sec. 254.0405. AMENDMENT OF FILED REPORT. (a) A person who files a semiannual report under this chapter may amend the report.

(b) A semiannual report that is amended before the eighth day after the date the original report was filed is considered to have been filed on the date on which the original report was filed.

(c) A semiannual report that is amended on or after the eighth day after the original report was filed is considered to have been filed on the date on which the original report was filed if:

(1) the amendment is made before any complaint is filed with regard to the subject of the amendment; and

(2) the original report was made in good faith and without an intent to mislead or to misrepresent the information contained in the report.

SECTION _____. Section 254.041, Election Code, is amended by adding Subsection (d) to read as follows:

(d) It is an exception to the application of Subsection (a)(3) that:

(1) the information was required to be included in a semiannual report;
and

(2) the person amended the report within the time prescribed by Section 254.0405(b) or under the circumstances described by Section 254.0405(c).

SECTION _____. Section 571.122, Government Code, is amended by adding Subsection (e) to read as follows:

(e) It is not a valid basis of a complaint to allege that a report required under Chapter 254, Election Code, contains the improper name or address of a person from whom a political contribution was received if the name or address in the report is the same as the name or address that appears on the check for the political contribution.

SECTION _____. Subchapter E, Chapter 571, Government Code, is amended by adding Section 571.1222 to read as follows:

Sec. 571.1222. DISMISSAL OF COMPLAINT CHALLENGING CERTAIN INFORMATION IN POLITICAL REPORT. At any stage of a proceeding under this subchapter, the commission shall dismiss a complaint to the extent the complaint alleges that a report required under Chapter 254, Election Code, contains the improper name or address of a person from whom a political contribution was received if the name or address in the report is the same as the name or address that appears on the check for the political contribution.

SECTION _____. Section 571.123(b), Government Code, is amended to read as follows:

(b) After a complaint is filed, the commission shall immediately attempt to contact and notify the respondent of the complaint by telephone or electronic mail. Not later than the fifth business day after the date a complaint is filed, the commission shall send written notice to the complainant and the respondent. The written notice to the complainant and the respondent must:

(1) state whether the complaint complies with the form requirements of Section 571.122;

(2) if the respondent is a candidate or officeholder, state the procedure by which the respondent may designate an agent with whom commission staff may discuss the complaint; ~~and~~

(3) ~~(2)~~ if applicable, include the information required by Section 571.124(e).

SECTION _____. Subchapter E, Chapter 571, Government Code, is amended by adding Section 571.1231 to read as follows:

Sec. 571.1231. DESIGNATION OF AGENT BY CERTAIN RESPONDENTS. (a) This section applies only to a respondent who is a candidate or officeholder.

(b) A respondent to a complaint filed against the respondent may by writing submitted to the commission designate an agent with whom the commission staff may communicate regarding the complaint.

(c) For purposes of this subchapter, including Section 571.140, communications with the respondent's agent designated under this section are considered communications with the respondent.

SECTION _____. Section 159.003(b), Local Government Code, is amended to read as follows:

(b) The statement must:

(1) be filed with the county clerk of the county in which the officer, justice, or candidate resides; and

(2) comply with Sections 572.022 and 572.023, Government Code, and with any order of the commissioners court of the county requiring additional disclosures.

SECTION _____. Section 254.031(a), Election Code, as amended by this Act, applies only to a report under Chapter 254, Election Code, that is required to be filed on or after the effective date of this Act. A report under Chapter 254, Election Code, that is required to be filed before the effective date of this Act is governed by the law in effect on the date the report is required to be filed, and the former law is continued in effect for that purpose.

SECTION _____. Section 254.041, Election Code, as amended by this Act, applies only to an offense committed on or after the effective date of this Act. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before the effective date. An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose.

SECTION _____. This Act takes effect September 1, 2011.

(2) Renumber the subsequent SECTIONS of the bill accordingly.

Amendment No. 60

Representative Geren offered the following amendment to Amendment No. 59:

Amend Amendment No. 59 to **CSSB 1** by Geren (prefiled amendment packet, pages 172-177) on page 5, line 10, of the amendment by striking "[and]" and substituting "and".

Amendment No. 60 was adopted. (Phillips and V. Taylor recorded voting no.)

Amendment No. 61

On behalf of Representative Hochberg, Representative Geren offered the following amendment to Amendment No. 59:

Amend Amendment No. 59 to **CSSB 1** by Geren (prefiled amendment packet, pages 172-177) by adding the following appropriately numbered SECTION to the amendment and renumbering subsequent SECTIONS of the amendment accordingly:

SECTION _____. Section 253.0351(a), Election Code, is amended to read as follows:

(a) A candidate or officeholder who makes political expenditures from the candidate's or officeholder's personal funds may report the amount expended as all or part of a loan from the candidate or officeholder and may reimburse those personal funds from political contributions in the amount of all or part of the reported loan.

Amendment No. 61 was adopted.

Amendment No. 59, as amended, was adopted. (Phillips and V. Taylor recorded voting no.)

Amendment No. 62

Representative Chisum offered the following amendment to **CSSB 1**:
Floor Packet Page No. 178

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered SECTION to ARTICLE 1 of the bill and renumbering subsequent SECTIONS of ARTICLE 1 of the bill accordingly:

SECTION 1. _____. Section 2.013, Family Code, is amended by adding Subsection (g) to read as follows:

(g) The Health and Human Services Commission shall ensure that a premarital education course described by this section is made available to residents of this state, regardless of whether the legislature appropriates funds specifically for that purpose.

Amendment No. 63

Representative Chisum offered the following amendment to Amendment No. 62:

Amend Amendment No. 62 by Chisum to **CSSB 1** (page 178, prefiled amendment packet) by striking the text of the amendment and substituting the following:

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____, PREMARITAL EDUCATION COURSES

SECTION ____.01 Section 2.013, Family Code, is amended by adding Subsection (g) to read as follows:

(g) The Health and Human Services Commission shall ensure that a premarital education course described by this section is made available to residents of this state, regardless of whether the legislature appropriates funds specifically for that purpose.

Amendment No. 63 was adopted.

Amendment No. 62, as amended, was adopted.

Amendment No. 64

Representative Naishtat offered the following amendment to **CSSB 1**:
Floor Packet Page No. 179

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES accordingly:

ARTICLE ____. SUITS AFFECTING THE PARENT-CHILD RELATIONSHIP

SECTION ____.01. Section 263.601, Family Code, is amended by amending Subdivision (1) and adding Subdivision (3-a) to read as follows:

(1) "Foster care" means a voluntary residential living arrangement with a foster parent or other residential child-care provider that is:

(A) licensed or approved by the department or verified by a licensed child-placing agency; and

(B) paid under a contract with the department.

(3-a) "Trial independence period" means a period of not less than six months, or a longer period as a court may order not to exceed 12 months, during which a young adult exits foster care with the option to return to foster care under the continuing extended jurisdiction of the court.

SECTION ____.02. Section 263.602, Family Code, is amended to read as follows:

Sec. 263.602. EXTENDED JURISDICTION. (a) A court that had continuing, exclusive jurisdiction over a young adult on the day before ~~[may, at]~~ the young adult's 18th birthday continues to have extended ~~[request, render an order that extends the court's]~~ jurisdiction over the young adult and shall retain the case on the court's docket while the young adult remains in extended foster care and during a trial independence period described ~~[as provided]~~ by this section ~~[subchapter]~~.

(b) A court with extended jurisdiction over a young adult who remains in extended foster care shall conduct extended foster care review hearings every six months for the purpose of reviewing and making findings regarding:

(1) whether the young adult's living arrangement is safe and appropriate and whether the department has made reasonable efforts to place the young adult in the least restrictive environment necessary to meet the young adult's needs;

(2) whether the department is making reasonable efforts to finalize the permanency plan that is in effect for the young adult, including a permanency plan for independent living;

(3) whether, for a young adult whose permanency plan is independent living:

(A) the young adult participated in the development of the plan of service;

(B) the young adult's plan of service reflects the independent living skills and appropriate services needed to achieve independence by the projected date; and

(C) the young adult continues to make reasonable progress in developing the skills needed to achieve independence by the projected date; and

(4) whether additional services that the department is authorized to provide are needed to meet the needs of the young adult [The extended jurisdiction of the court terminates on the earlier of:

(1) the young adult's 21st birthday; or

(2) the date the young adult withdraws consent to the extension of the court's jurisdiction in writing or in court].

(c) Not later than the 10th day before the date set for a hearing under this section, the department shall file with the court a copy of the young adult's plan of service and a report that addresses the issues described by Subsection (b).

(d) Notice of an extended foster care review hearing shall be given as provided by Rule 21a, Texas Rules of Civil Procedure, to the following persons, each of whom has a right to present evidence and be heard at the hearing:

(1) the young adult who is the subject of the suit;

(2) the department;

(3) the foster parent with whom the young adult is placed and the administrator of a child-placing agency responsible for placing the young adult, if applicable;

(4) the director of the residential child-care facility or other approved provider with whom the young adult is placed, if applicable;

(5) each parent of the young adult whose parental rights have not been terminated and who is still actively involved in the life of the young adult;

(6) a legal guardian of the young adult, if applicable; and

(7) the young adult's attorney ad litem, guardian ad litem, and volunteer advocate, the appointment of which has not been previously dismissed by the court.

(e) If, after reviewing the young adult's plan of service and the report filed under Subsection (c), and any additional testimony and evidence presented at the review hearing, the court determines that the young adult is entitled to additional services, the court may order the department to take appropriate action to ensure that the young adult receives those services.

(f) A court with extended jurisdiction over a young adult as described in Subsection (a) shall continue to have jurisdiction over the young adult and shall retain the case on the court's docket until the earlier of:

(1) the last day of the:

(A) sixth month after the date the young adult leaves foster care; or

(B) 12th month after the date the young adult leaves foster care if specified in a court order, for the purpose of allowing the young adult to pursue a trial independence period; or

(2) the young adult's 21st birthday.

(g) A court with extended jurisdiction described by this section is not required to conduct periodic hearings for a young adult during a trial independence period and may not compel a young adult who has exited foster care to attend a court hearing.

SECTION ____,03. Subchapter G, Chapter 263, Family Code, is amended by adding Section 263.6021 to read as follows:

Sec. 263.6021. VOLUNTARY EXTENDED JURISDICTION FOR YOUNG ADULT RECEIVING TRANSITIONAL LIVING SERVICES.

(a) Notwithstanding Section 263.602, a court that had continuing, exclusive jurisdiction over a young adult on the day before the young adult's 18th birthday may, at the young adult's request, render an order that extends the court's jurisdiction beyond the end of a trial independence period if the young adult receives transitional living services from the department.

(b) The extended jurisdiction of the court under this section terminates on the earlier of:

(1) the young adult's 21st birthday; or

(2) the date the young adult withdraws consent to the extension of the court's jurisdiction in writing or in court.

(c) At the request of a young adult who is receiving transitional living services from the department and who consents to voluntary extension of the court's jurisdiction under this section, the court may hold a hearing to review the services the young adult is receiving.

(d) Before a review hearing scheduled under this section, the department must file with the court a report summarizing the young adult's transitional living services plan, services being provided to the young adult under that plan, and the young adult's progress in achieving independence.

(e) If, after reviewing the report and any additional testimony and evidence presented at the hearing, the court determines that the young adult is entitled to additional services, the court may order the department to take appropriate action to ensure that the young adult receives those services.

SECTION ____ .04. Subsections (a) and (c), Section 263.603, Family Code, are amended to read as follows:

(a) Notwithstanding Section 263.6021 [~~263.602~~], if the court believes that a young adult may be incapacitated as defined by Section 601(14)(B), Texas Probate Code, the court may extend its jurisdiction on its own motion without the young adult's consent to allow the department to refer the young adult to the Department of Aging and Disability Services for guardianship services as required by Section 48.209, Human Resources Code.

(c) If the Department of Aging and Disability Services determines a guardianship is not appropriate, or the court with probate jurisdiction denies the application to appoint a guardian, the court under Subsection (a) may continue to extend its jurisdiction over the young adult only as provided by Section 263.602 or 263.6021.

SECTION ____ .05. Section 263.609, Family Code, is repealed.

SECTION ____ .06. 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.

Amendment No. 64 was adopted. (Phillips and V. Taylor recorded voting no.)

Amendment No. 65

Representative Gallego offered the following amendment to **CSSB 1**:
Floor Packet Page No. 185

Amend **CSSB 1** (house committee report) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . VIDEO COMMUNICATIONS TECHNOLOGY IN DISTRICT COURT PROCEEDINGS

SECTION ____ .01. Subchapter A, Chapter 24, Government Code, is amended by adding Section 24.035 to read as follows:

Sec. 24.035. **CONDUCTING HEARINGS BY VIDEO.** (a) In this section, "video communications technology" means technology that provides for communication between individuals in different locations, connected by electronic means, through both audio and video.

(b) Except as provided by Subsection (c), a district judge may conduct court proceedings, including hearings, by video communications technology.

(c) A district judge may not conduct a trial by video communications technology.

Amendment No. 65 was adopted.

Amendment No. 66

Representative Perry offered the following amendment to **CSSB 1**:

Floor Packet Page No. 191

Amend **CSSB 1** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) Section 322.007, Government Code, is amended to read as follows:

Sec. 322.007. ESTIMATES AND REPORTS. (a) Each institution, department, agency, officer, employee, or agent of the state shall submit to the board any estimate or report relating to appropriations requested by the board or under the board's direction.

(b) Each institution, department, and agency of this state that receives an appropriation shall submit to the board a zero-based budget plan that contains:

(1) a description of the discrete activities the entity is charged with conducting or performing together with a justification for each activity by reference to a statute or other legal authority;

(2) for each activity identified under Subdivision (1), a quantitative estimate of any adverse effects that reasonably may be expected to result if the activity were discontinued, together with a description of the methods by which the adverse effects were estimated;

(3) for each activity identified under Subdivision (1), an itemized account of expenditures required to maintain the activity at the minimum level of service required by the statute or other legal authority, together with a concise statement of the quantity and quality of service required at that minimum level;

(4) for each activity identified under Subdivision (1), an itemized account of expenditures required to maintain the activity at the current level of service, together with a concise statement of the quantity and quality of service provided at that level; and

(5) a ranking of activities identified under Subdivision (1) that illustrates the relative importance of each activity to the overall goals and purposes of the institution, department, or agency at current service levels.

(c) Each zero-based budget plan and each estimate or report shall be submitted at a time set by the board and in the manner and form prescribed by board rules.

(d) Each zero-based budget plan and each ~~[(e) An]~~ estimate or report required under this section is in addition to a budget plan or an estimate or report required by other law, including those estimates or reports relating to appropriations required by Chapter 401.

(b) Section 322.008(a), Government Code, is amended to read as follows:

(a) Based on information provided under Section 322.007, the ~~[The]~~ director, under the direction of the board, shall prepare the general appropriations bill for introduction at each regular legislative session.

(c) Section 401.0445(a), Government Code, is amended to read as follows:

(a) The governor shall compile the biennial appropriation budget using information:

- (1) submitted to the governor in the uniform budget estimate forms;
[and]
(2) obtained at public hearings, from inspections, and from other sources; and
(3) submitted to the Legislative Budget Board under Section 322.007.
(d) The changes in law made by this section apply only in regard to information for developing a biennial appropriation budget for a state fiscal biennium beginning on or after the effective date of this Act.

Amendment No. 66 was adopted.

Amendment No. 67

Representatives Cain, Berman, Huberty, Farias, Jackson, Lavender, Fletcher, Lyne, Burkett, Hardcastle, Beck, Phillips, V. Taylor, Sheets, Schwertner, Lewis, Shelton, Murphy, Elkins, Carter, Larson, Flynn, Isaac, White, Orr, Garza, C. Anderson, Weber, Strama, Hughes, Guillen, Mallory Caraway, Raymond, Price, P. King, Sheffield, Callegari, D. Howard, Morrison, S. Davis, Creighton, Deshotel, Landtroop, Simpson, T. King, J. Davis, Naishtat, L. Gonzales, R. Anderson, S. Miller, and Perry offered the following amendment to **CSSB 1**:

Floor Packet Page No. 194

Amend **CSSB 1** by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS accordingly:

ARTICLE ____ GENERAL APPROPRIATIONS ACT FORMAT

SECTION ____ .01. Section 322.008, Government Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) The general appropriations bill must, for each state agency or other entity for which an appropriation is proposed under the bill:

(1) include a line item for each specific program or activity administered by the agency or entity or an organizational unit of the agency or entity, organized according to the organizational structure of the agency, entity, or unit, except that if a specific program or activity administered by the agency, entity, or unit includes identifiable components or subprograms, the bill must include a line item for each of those components or subprograms;

(2) specify the amount of the proposed appropriation for each line item;
and

(3) include, for each line item that represents a specific program or activity or, if applicable, each group of line items representing the components or subprograms of a specific program or activity:

(A) a citation to the authorization in law for the program or activity; and

(B) a statement regarding whether the source of the proposed appropriation is nondedicated general revenue money, dedicated general revenue money, federal money, or another source.

Amendment No. 67 was adopted.

Amendment No. 68

Representative Perry offered the following amendment to **CSSB 1**:
 Floor Packet Page No. 195

Amend **CSSB 1** by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION _____. Chapter 322, Government Code, is amended by adding Section 322.022 to read as follows:

Sec. 322.022. MEETING IN RESPONSE TO REPORTED DECLINES IN SALES AND USE TAX REVENUES. (a) As soon as practicable after the Legislative Budget Board is notified that the comptroller has reported a month-to-month decline in revenues from state sales and use taxes imposed under Chapter 151, Tax Code, for three consecutive months, the board shall meet to consider whether it is prudent to direct state agencies to reduce expenditures or to take other action to reduce state spending in response to declining state sales and use tax revenues.

(b) The comptroller shall send to the director of the Legislative Budget Board, by e-mail or other means as requested by the director, a monthly report showing whether total state sales and use tax revenues for the most recent month for which the information is available are less than the total state sales and use tax revenues for the preceding month.

Amendment No. 68 was adopted.

Amendment No. 69

Representative Y. Davis offered the following amendment to **CSSB 1**:
 Floor Packet Page No. 196

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE _____. PERIODIC EVALUATION AND APPLICATION OF
 SUNSET

REVIEW TO CERTAIN TAX EXEMPTIONS

SECTION _____.01. Chapter 325, Government Code, is amended by adding Section 325.023 to read as follows:

Sec. 325.023. EVALUATION OF EXEMPTIONS FROM PROPERTY AND STATE TAXES. (a) In this section, "exemption" includes:

(1) an exemption that is provided by the manner in which a term is defined in Subchapter A, Chapter 151, Tax Code; and

(2) an exemption provided by Chapter 162, Tax Code, from the taxes imposed by that chapter.

(b) The commission shall periodically evaluate each exemption provided by Chapters 11, 151, 152, 162, 171, 201, and 202, Tax Code, from the taxes imposed by those chapters.

(c) The commission shall conduct the evaluation required by Subsection (b) according to a schedule that the commission adopts. The schedule must provide for the commission to evaluate each tax exemption at an interval not to exceed six years. The commission shall provide the schedule to the governor, lieutenant governor, speaker of the house of representatives, and presiding officers of the senate finance committee and the house ways and means committee.

(d) The commission's evaluation of each tax exemption must:

(1) include an evaluation of the exemption's effect on:

(A) revenue received from taxes imposed by the chapter providing the exemption;

(B) the entities that receive the exemption;

(C) sales of property, goods, and services made in this state, where applicable; and

(D) economic investment and growth in this state;

(2) take into account any other factors the commission considers relevant in evaluating the exemption;

(3) consider whether retaining the exemption is in the best interest of the public; and

(4) make recommendations for retaining or repealing the exemption, or for amending a provision related to the exemption.

(e) At each regular legislative session, the commission shall present to the legislature and the governor a report on the evaluation and recommendations it makes under Subsection (d). The report must include drafts of any legislation needed to carry out the commission's recommendations under that subsection.

(f) The evaluation described by this section does not apply to a tax exemption that is:

(1) explicitly provided by the constitution of this state; or

(2) for an item or service that this state is unable to tax under the United States Constitution or federal law.

SECTION ____ .02. Subchapter C, Chapter 11, Tax Code, is amended by adding Section 11.49 to read as follows:

Sec. 11.49. SUNSET PROVISION FOR PROPERTY TAX EXEMPTIONS. (a) The exemptions provided by this chapter from the taxes imposed by this chapter are subject to periodic evaluation by the Sunset Advisory Commission under Section 325.023, Government Code, according to a schedule that the commission adopts under that section.

(b) A tax exemption provided by this chapter that is the subject of a Sunset Advisory Commission evaluation under Section 325.023, Government Code, and a section or part of a section that provides the exemption are repealed on December 31 of the year in which the commission presents its evaluation to the legislature unless the legislature retains the exemption.

(c) This section does not prohibit the legislature from repealing an exemption from the taxes imposed by this chapter at a date earlier than the date provided by this section.

(d) The evaluation described by Subsection (a) and the repeal described by Subsection (b) do not apply to a tax exemption that is explicitly provided by the constitution of this state.

SECTION ____03. Chapter 101, Tax Code, is amended by adding Section 101.010 to read as follows:

Sec. 101.010. SUNSET PROVISION FOR CERTAIN EXEMPTIONS FROM STATE TAXES. (a) In this section, "exemption" includes:

(1) an exemption that is provided by the manner in which a term is defined in Subchapter A, Chapter 151; and

(2) an exemption provided by Chapter 162 from the taxes imposed by that chapter.

(b) The exemptions provided by Chapters 151, 152, 162, 171, 201, and 202 from the taxes imposed by those chapters are subject to periodic evaluation by the Sunset Advisory Commission under Section 325.023, Government Code, according to a schedule that the commission adopts under that section.

(c) A tax exemption that is the subject of a Sunset Advisory Commission evaluation under Section 325.023, Government Code, and a section or part of a section that provides the exemption are repealed on December 31 of the year in which the commission presents its evaluation to the legislature unless the legislature retains the exemption.

(d) This section does not prohibit the legislature from repealing an exemption from the taxes imposed by Chapters 151, 152, 162, 171, 201, and 202 at a date earlier than the date provided by this section.

(e) The evaluation described by Subsection (b) and the repeal described by Subsection (c) do not apply to a tax exemption for an item or service that this state is unable to tax under the United States Constitution or federal law.

SECTION ____04. The Sunset Advisory Commission shall adopt a schedule for evaluating exemptions from property taxes and state taxes as provided by Section 325.023, Government Code, as added by this article, on or before January 1, 2012.

Amendment No. 69 was withdrawn.

Amendment No. 70

Representative Christian offered the following amendment to **CSSB 1**:
Floor Packet Page No. 200

Amend **CSSB 1** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) Chapter 402, Government Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. PUBLIC INTEGRITY UNIT

Sec. 402.101. DEFINITIONS. In this subchapter:

(1) "Offense" means a prohibited act for which state law imposes a criminal or civil penalty.

(2) "Prosecute" means represent the state to impose a criminal or civil penalty.

(3) "Prosecuting attorney" means a district attorney, criminal district attorney, or county attorney.

Sec. 402.102. OFFENSES AGAINST PUBLIC ADMINISTRATION. For purposes of this subchapter, the following are offenses against public administration:

(1) an offense under Title 8, Penal Code, committed by a state officer or a state employee in connection with the powers and duties of the state office or state employment;

(2) an offense under Chapter 301, 302, 305, 571, 572, or 2004;

(3) an offense under Chapter 573 committed by a state officer in connection with the powers and duties of the state office;

(4) an offense under Title 15, Election Code, committed in connection with:

(A) a campaign for or the holding of state office; or

(B) an election on a proposed constitutional amendment; and

(5) an offense involving compliance with the requirements relating to the imposition of the motor fuels tax imposed under Chapter 162, Tax Code, including an offense described by Section 162.403, Tax Code.

Sec. 402.103. OFFENSES INVOLVING INSURANCE FRAUD. For purposes of this subchapter, the following are offenses involving insurance fraud:

(1) an offense under Chapter 35, Penal Code, including an offense under that chapter that involves workers' compensation insurance under Title 5, Labor Code; or

(2) a fraudulent insurance act as defined by Section 701.001, Insurance Code, including an act that involves workers' compensation insurance under Title 5, Labor Code.

Sec. 402.104. PUBLIC INTEGRITY UNIT. The public integrity unit is in the office of the attorney general.

Sec. 402.105. PROSECUTION BY PUBLIC INTEGRITY UNIT. (a) In any district or county court of appropriate jurisdiction and venue, the public integrity unit has the authority to prosecute a person for:

(1) an offense against public administration; or

(2) an offense involving insurance fraud.

(b) The public integrity unit must assert the right to prosecute under this section in writing to the appropriate prosecuting attorney. On asserting the right to prosecute under this section:

(1) the unit has all the powers of the prosecuting attorney, including the power to represent the state before a grand jury; and

(2) the prosecuting attorney may not prosecute the same person for the same act.

Sec. 402.106. COOPERATION OF STATE AGENCIES AND LOCAL LAW ENFORCEMENT AGENCIES. (a) To the extent allowed by law, a state agency or local law enforcement agency shall cooperate with the public integrity unit by providing information requested by the unit as necessary to carry out the purposes of this subchapter.

(b) Information disclosed under this section is confidential and not subject to disclosure under Chapter 552.

Sec. 402.107. VENUE. Notwithstanding Chapter 13, Code of Criminal Procedure, or other law, if the defendant is a natural person, venue for a prosecution by the public integrity unit is in the county in which the defendant resides.

(b) Sections 301.027(b) and (c), Government Code, are amended to read as follows:

(b) If the president of the senate or speaker receives a report or statement of facts as provided by Subsection (a), the president of the senate or speaker shall certify the statement of facts to the public integrity unit of the office of the attorney general [~~Travis County district attorney~~] under the seal of the senate or house of representatives, as appropriate.

(c) The public integrity unit [~~Travis County district attorney~~] shall bring the matter before the grand jury for action. If the grand jury returns an indictment, the public integrity unit [~~district attorney~~] shall prosecute the indictment.

(c) Section 402.009, Government Code, is amended to read as follows:

Sec. 402.009. AUTHORITY TO EMPLOY AND COMMISSION PEACE OFFICERS. The attorney general may employ and commission peace officers as investigators for:

- (1) the limited purpose of assisting the attorney general in carrying out the duties of that office relating to prosecution assistance and crime prevention; or
- (2) the purpose of investigating offenses against public administration and offenses involving insurance fraud prosecuted under Subchapter D.

(d) Section 35.04, Penal Code, is amended to read as follows:

Sec. 35.04. JURISDICTION OF ATTORNEY GENERAL. As provided by Section 402.105, Government Code, the public integrity unit of the office of the attorney general shall prosecute [~~(a) The attorney general may offer to an attorney representing the state in the prosecution of~~] an offense under Section 35.02 [~~the investigative, technical, and litigation assistance of the attorney general's office~~].

[~~(b) The attorney general may prosecute or assist in the prosecution of an offense under Section 35.02 on the request of the attorney representing the state described by Subsection (a).~~]

(e) Not later than March 1, 2012, the attorney general shall establish the public integrity unit under Subchapter D, Chapter 402, Government Code, as added by this Act.

(f) Subchapter D, Chapter 402, Government Code, as added by this Act, applies only to the prosecution of an offense against public administration or an offense involving insurance fraud committed on or after April 1, 2012. For purposes of this subsection, an offense is committed before April 1, 2012, if any element of the offense occurs before that date. The prosecution of an offense committed before April 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, except that a county attorney, district attorney, or criminal district attorney may, on the

request of the attorney general, permit the public integrity unit established under Subchapter D, Chapter 402, Government Code, as added by this Act, to assume the prosecution of such an offense.

(g) Notwithstanding any other effective date provided by this Act, this section takes effect January 1, 2012, but only if the constitutional amendment proposed by the 82nd Legislature, Regular Session, 2011, giving the attorney general exclusive authority to prosecute offenses against public administration, including ethics offenses, and offenses involving insurance fraud takes effect. If that amendment is not approved by the voters, this section has no effect.

Amendment No. 70 - Point of Order

Representative Dukes raised a point of order against further consideration of Amendment No. 70.

The point of order was withdrawn.

Amendment No. 70 was withdrawn.

Amendment No. 71

Representative Brown offered the following amendment to **CSSB 1**:
Floor Packet Page No. 205

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . PROCUREMENT AND CORPORATE TRAVEL CHARGE CARD

SECTION ____ .01. Section 403.023, Government Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) If the comptroller adopts rules authorized under Subsection (b), the rules must:

(1) require the state agency to use a credit or charge card to pay for all purchases unless the comptroller determines that another method of payment will result in greater cost savings to the state; and

(2) prohibit an employee of the state agency from using a personal credit or charge card to pay for the state agency's purchases.

SECTION ____ .02. Subchapter B, Chapter 2171, Government Code, is amended by adding Section 2171.0521 to read as follows:

Sec. 2171.0521. PAYMENT FOR TRAVEL SERVICES WITH CREDIT OR CHARGE CARD. If a state agency participates in a program administered by the comptroller that allows the agency to use a credit or charge card to purchase travel services:

(1) the agency shall use the credit or charge card to purchase travel services required for agency travel, unless the comptroller determines that another method of purchase will result in greater cost savings to the state; and

(2) an employee of the agency may not use the employee's personal credit or charge card to purchase travel services required for agency travel.

Amendment No. 71 was withdrawn.

Amendment No. 72

Representative Y. Davis offered the following amendment to **CSSB 1**:
Floor Packet Page No. 208

Amend **CSSB 1** (house committee printing) in **ARTICLE 14** of the bill by adding the following appropriately numbered **SECTION** and renumbering the subsequent **SECTIONS** of the **ARTICLE** appropriately:

SECTION 14. ____. Section 403.014(b), Government Code, is amended to read as follows:

(b) The report must include:

(1) an analysis of each special provision that reduces the amount of tax payable, to include an estimate of the loss of revenue for a six-year period including the current fiscal biennium and a citation of the statutory or legal authority for the provision; ~~and~~

(2) for provisions reducing revenue by more than one percent of total revenue for a tax covered by this section:

(A) the effect of each provision on the distribution of the tax burden by income class and industry or business class, as appropriate; and

(B) the effect of each provision on total income by income class;

and

(3) for each entity, including a corporation or other business entity, that receives a reduction of taxes payable as a result of a special provision, the actual dollar amount of the reduction the entity received since the most recent report under this section, regardless of whether the information is confidential under state law, including Sections 111.006 and 151.027, Tax Code.

Amendment No. 72 was withdrawn.

Amendment No. 73

Representative Kleinschmidt offered the following amendment to **CSSB 1**:
Floor Packet Page No. 209

Amend **CSSB 1** by adding the following appropriately numbered **SECTION** to the bill and renumbering the remaining **SECTIONS** of the bill accordingly:

SECTION ____. (a) Subchapter G, Chapter 403, Government Code, is amended by adding Section 403.110 to read as follows:

Sec. 403.110. PINK FOR EVER FUND. (a) The Pink for Ever fund is a special fund in the state treasury outside the general revenue fund.

(b) The fund is composed of:

(1) gifts and grants contributed to the fund;

(2) earnings on the principal of the fund; and

(3) other amounts deposited to the credit of the fund, including:

(A) legislative appropriations; and

(B) money deposited under Section 466.355.

(c) Except as provided by Subsection (d), money in the fund may not be appropriated for any purpose other than to fund the Pink for Ever grant program established by Subchapter D, Chapter 86, Health and Safety Code.

(d) A gift or grant to the fund may be appropriated in the same manner as money in the fund derived from other sources, subject to any limitation or requirement placed on the gift or grant by the donor or granting entity.

(e) Sections 403.095 and 404.071 do not apply to the fund.

(b) Subchapter B, Chapter 466, Government Code, is amended by adding Section 466.028 to read as follows:

Sec. 466.028. PINK FOR EVER GAME. (a) The commission shall operate an instant-ticket lottery game to benefit the Pink for Ever fund established by Section 403.110.

(b) The commission shall:

(1) determine the ticket price, payout amounts for prizes, and manner in which the game is conducted;

(2) make tickets to the game available for sale continuously to the extent practicable; and

(3) change the design or theme of the game regularly to ensure that the game remains competitive with other instant-ticket lottery games offered by the commission.

(c) The commission shall market and advertise the lottery game operated under this section in a manner intended to inform the public that the game tickets are available for purchase and that the game proceeds are used to fund breast cancer research, education, and patient treatment and support. The Department of State Health Services may make recommendations to the commission relating to the marketing and advertising of the game.

(d) The commission may use not more than two percent of the gross revenue accruing from the sale of tickets for the lottery game operated under this section for the purposes of Subsection (c).

(e) The commission shall encourage each sales agent that sells tickets to instant-ticket games or similar types of lottery games to sell tickets to the game operated under this section.

(c) Section 466.355(b), Government Code, is amended to read as follows:

(b) Money in the state lottery account may be used only for the following purposes and shall be distributed as follows:

(1) the payment of prizes to the holders of winning tickets;

(2) the payment of costs incurred in the operation and administration of the lottery, including any fees received by a lottery operator, provided that the costs incurred in a fiscal biennium may not exceed an amount equal to 12 percent of the gross revenue accruing from the sale of tickets in that biennium;

(3) the establishment of a pooled bond fund, lottery prize reserve fund, unclaimed prize fund, and prize payment account; and

(4) the balance, after creation of a reserve sufficient to pay the amounts needed or estimated to be needed under Subdivisions (1) through (3), to be transferred on or before the 15th day of each month as follows:

(A) the portion of the balance attributable to the lottery game operated under Section 466.027 to the fund for veterans' assistance established by Section 434.017; ~~and~~

(B) the portion of the balance attributable to the lottery game operated under Section 466.028 to the Pink for Ever fund established by Section 403.110; and

(C) the remainder to the foundation school fund.

(d) Chapter 86, Health and Safety Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. PINK FOR EVER GRANT PROGRAM

Sec. 86.151. DEFINITION. In this subchapter, "department" means the Department of State Health Services.

Sec. 86.152. PINK FOR EVER GRANT PROGRAM. The department shall develop and administer a program to award grants to public and nonprofit organizations that:

- (1) provide treatment and support services for breast cancer patients;
- (2) increase public awareness of breast cancer; or
- (3) conduct breast cancer research.

Sec. 86.153. RULES. The executive commissioner of the Health and Human Services Commission shall adopt rules governing the operation of the grant program and selection of grant recipients, subject to the requirements of this subchapter.

Sec. 86.154. ELIGIBILITY. The department shall establish eligibility guidelines for the grants awarded under this subchapter.

Sec. 86.155. APPLICATIONS. (a) The department shall establish application procedures for the grants awarded under this subchapter.

(b) An applicant for a grant under this subchapter shall submit to the department for approval:

- (1) a description of the objectives established by the applicant for the activities funded by the grant;
- (2) a description of the methods the applicant will use to evaluate the activities funded by the grant to determine if the objectives are met; and
- (3) any other information requested by the department.

Sec. 86.156. FUNDING. (a) The department shall award grants under this subchapter from the Pink for Ever fund established under Section 403.110, Government Code.

(b) The department may solicit and accept gifts and grants from any public or private source for the purposes of this subchapter. Money accepted by the department under this subsection must be deposited in the Pink for Ever fund.

Sec. 86.157. ADVISORY COMMITTEE. The department may appoint an advisory committee to assist in the evaluation of applications for grants under this subchapter.

(e)(1) Section 466.355, Government Code, (as amended by this section, applies only to a transfer from the state lottery account made on or after the effective date of this section.

(2) The Texas Lottery Commission shall establish and begin selling tickets to the lottery game as required by Section 466.028, Government Code, as added by this section, not later than March 1, 2014.

(3) Not later than March 1, 2014, the executive commissioner of the Health and Human Services Commission shall adopt necessary rules for, and the Department of State Health Services shall establish and implement, the grant program required under Subchapter D, Chapter 86, Health and Safety Code, as added by this section.

(f) This section takes effect September 1, 2013.

Amendment No. 73 failed of adoption by (Record 35): 26 Yeas, 113 Nays, 2 Present, not voting.

Yeas — Anderson, C.; Coleman; Craddick; Davis, S.; Deshotel; Dutton; Farias; Farrar; Gallego; Gonzales, V.; Gonzalez; Hamilton; Hernandez Luna; Hochberg; Kleinschmidt; Kuempel; Larson; Lucio; Mallory Caraway; Marquez; Martinez; Menendez; Miller, S.; Raymond; Veasey; Zerwas.

Nays — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Cook; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Driver; Dukes; Eiland; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Gutierrez; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Landtroop; Laubenberg; Lavender; Legler; Lewis; Lozano; Lyne; Madden; Margo; Martinez Fischer; McClendon; Miles; Miller, D.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Price; Quintanilla; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Villarreal; Vo; Weber; White; Workman; Zedler.

Present, not voting — Mr. Speaker(C); Giddings.

Absent, Excused — Bohac; Burnam; Hancock; Walle; Woolley.

Absent — Guillen; Howard, C.; Pitts; Smith, W.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Hunter requested permission for the Committee on Calendars to meet while the house is in session, at 7:15 p.m. today, in 3W.15, to set a calendar.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Calendars, 7:15 p.m. today, 3W.15, for a formal meeting, to set a calendar.

CSSB 1 - (consideration continued)

Amendment No. 74

Representative Callegari offered the following amendment to **CSSB 1**:

Floor Packet Page No. 214

Amend **CSSB 1** (house committee report) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES of the bill accordingly:

ARTICLE ____ FEDERAL FUNDS DESIGNATION.

SECTION ____ .01. Subchapter H, Chapter 418, Government Code, is amended by adding Section 418.187 to read as follows:

Sec. 418.187. FEDERAL FUNDS DESIGNATION. (a) The governor shall designate an agency or agencies, under the Omnibus Budget Reconciliation Act of 1981 (Pub.L. No. 97-35) and 24 CFR, Part 570, Subpart I, to administer the state's allocation of federal funds provided under the community development block grant nonentitlement program authorized by Title I of the Housing and Community Development Act of 1974. (42 U.S.C. Section 5301 et seq.).

(b) Notwithstanding any other provision of this Act, the governor retains his authority to designate any agency or agencies to administer all non-entitlement federal community development block grant program funds and federal community development block grant disaster recovery funds and to transfer such federal funds to any agency.

SECTION ____ .02. The following sections are repealed:

- (1) Section 487.051(a)(6), Government Code; and
- (2) Subchapter I, Chapter 487, Government Code.

Amendment No. 74 was adopted.

Amendment No. 75

Representative Martinez offered the following amendment to **CSSB 1**:

Floor Packet Page No. 215

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ TEXAS COMMISSION ON FIRE PROTECTION FEES

SECTION ____ .01. Section 419.026(d), Government Code, is amended to read as follows:

(d) The commission shall send the fees authorized by Subsection (a) and Section 419.033(b) to the comptroller. The comptroller [~~who~~] shall deposit a portion [~~50 percent~~] of the fees collected [~~annually~~] into [~~the general revenue fund and 50 percent of the fees collected annually into~~] a special account in the general revenue fund dedicated for use by the commission. In any state fiscal biennium, the comptroller may not deposit into the account fees in an amount that exceeds the amount appropriated to the commission for that biennium, less any other amount appropriated to the commission from a source other than the fees. The account is exempt from the application of Section 403.095. The comptroller shall deposit the remainder of the fees in the general revenue fund. [~~Except as otherwise provided by this chapter, 50 percent of the special fund created under~~

~~this subsection may be used only to defray the commission's costs in performing inspections under Section 419.027 and the other 50 percent may be used only to provide training assistance under Section 419.031.]~~

SECTION ____ .02. The dedication of certain fees to a special account in the general revenue fund dedicated for use by the Texas Commission on Fire Protection under Section 419.026(d), Government Code, was abolished effective August 31, 1995, under former Section 403.094(h), Government Code, as enacted by Section 11.04, Chapter 4 (**SB 3**), Acts of the 72nd Legislature, 1st Called Session, 1991. Those fees are rededicated to that fund by this article.

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 this article to have immediate effect, this article takes effect October 1, 2011.

Amendment No. 75 - Point of Order

Representative Zedler raised a point of order against further consideration of Amendment No. 75 under Rule 11, Section 2 and Rule 11, Section 3 of the House Rules on the grounds that the amendment is not germane to the bill and the amendment would change the original purpose of the bill.

The point of order was withdrawn.

Amendment No. 75 was adopted. (Phillips, V. Taylor, and White recorded voting no.)

Amendment No. 76

Representative Callegari offered the following amendment to **CSSB 1**:
Floor Packet Page No. 222

Amend **CSSB 1** (house committee report) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . TRANSFERRING TEXAS DEPARTMENT OF RURAL AFFAIRS TO OFFICE OF RURAL AFFAIRS WITHIN DEPARTMENT OF AGRICULTURE

SECTION ____ .01. The heading to Chapter 487, Government Code, is amended to read as follows:

CHAPTER 487. OFFICE [~~TEXAS DEPARTMENT~~] OF RURAL AFFAIRS IN DEPARTMENT OF AGRICULTURE

SECTION ____ .02. Section 487.001, Government Code, is amended to read as follows:

Sec. 487.001. DEFINITIONS. In this chapter:

(1) "Board" means the commissioner [~~board of the Texas Department of Rural Affairs~~].

(2) "Commissioner" means the commissioner of agriculture.

(3) "Department" means the office [~~Texas Department of Rural Affairs~~].

(4) "Office" means the Office of Rural Affairs established within the Department of Agriculture under Section 12.038, Agriculture Code.

SECTION ____ .03. Subchapter A, Chapter 487, Government Code, is amended by adding Section 487.003 to read as follows:

Sec. 487.003. REFERENCE IN LAW. (a) A reference in this chapter or other law to the Texas Department of Rural Affairs or the Office of Rural Community Affairs means the office and a reference in this chapter or other law to the board of the Texas Department of Rural Affairs means the commissioner.

(b) A reference in law to the executive director of the Texas Department of Rural Affairs means the director of the Office of Rural Affairs appointed under Section 12.038, Agriculture Code.

SECTION ____ .04. Section 487.026, Government Code, is amended to read as follows:

Sec. 487.026. ~~EXECUTIVE~~ DIRECTOR. (a) The ~~board may hire an executive~~ director ~~serves~~ ~~to serve~~ as the chief executive officer of the ~~office~~ ~~department~~ and ~~performs~~ ~~to perform~~ the administrative duties of the ~~office~~ ~~department~~.

(b) ~~The executive director serves at the will of the board.~~

~~(c)~~ The ~~executive~~ director may hire staff within guidelines established by the commissioner ~~board~~.

SECTION ____ .05. Section 487.051(a), Government Code, is amended to read as follows:

(a) The office ~~department~~ shall:

(1) assist rural communities in the key areas of economic development, community development, rural health, and rural housing;

(2) serve as a clearinghouse for information and resources on all state and federal programs affecting rural communities;

(3) in consultation with rural community leaders, locally elected officials, state elected and appointed officials, academic and industry experts, and the interagency work group created under this chapter, identify and prioritize policy issues and concerns affecting rural communities in the state;

(4) make recommendations to the legislature to address the concerns affecting rural communities identified under Subdivision (3);

(5) monitor developments that have a substantial effect on rural Texas communities, especially actions of state government, and compile an annual report describing and evaluating the condition of rural communities;

(6) administer the federal community development block grant nonentitlement program;

(7) administer programs supporting rural health care as provided by this chapter;

(8) perform research to determine the most beneficial and cost-effective ways to improve the welfare of rural communities;

(9) ensure that the office ~~department~~ qualifies as the state's office of rural health for the purpose of receiving grants from the Office of Rural Health Policy of the United States Department of Health and Human Services under 42 U.S.C. Section 254r;

(10) manage the state's Medicare rural hospital flexibility program under 42 U.S.C. Section 1395i-4;

(11) seek state and federal money available for economic development in rural areas for programs under this chapter;

(12) in conjunction with other offices and divisions of the Department of Agriculture, regularly cross-train office [department] employees with other employees of the Department of Agriculture regarding the programs administered and services provided [~~by each agency~~] to rural communities; and

(13) work with interested persons to assist volunteer fire departments and emergency services districts in rural areas.

SECTION ____ .06. Section 487.0541(c), Government Code, is amended to read as follows:

(c) The work group shall meet at the call of the [~~executive~~] director of the office [department].

SECTION ____ .07. Section 487.055, Government Code, is amended to read as follows:

Sec. 487.055. ADVISORY COMMITTEES. (a) The commissioner [board] may appoint advisory committees as necessary to assist the office [board] in performing its duties. An advisory committee may be composed of private citizens and representatives from state and local governmental entities. A state or local governmental entity shall appoint a representative to an advisory committee at the request of the commissioner [board].

(b) Chapter 2110 does not apply to an advisory committee created under this section.

SECTION ____ .08. Section 487.351(d), Government Code, is amended to read as follows:

(d) An applicant for a grant, loan, or award under a community development block grant program may appeal a decision of the [~~executive~~] director by filing an appeal with the commissioner [board]. The commissioner [board] shall hold a hearing on the appeal and render a decision.

SECTION ____ .09. Section 2306.1092(b), Government Code, is amended to read as follows:

(b) The council is composed of 16 members consisting of:

(1) the director;

(2) one representative from each of the following agencies, appointed by the head of that agency:

(A) the Office of Rural [~~Community~~] Affairs within the Department of Agriculture;

(B) the Texas State Affordable Housing Corporation;

(C) the Health and Human Services Commission;

(D) the Department of Assistive and Rehabilitative Services;

(E) the Department of Aging and Disability Services; and

(F) the Department of State Health Services;

(3) one representative from the Department of Agriculture who is:

(A) knowledgeable about the Texans Feeding Texans and Retire in Texas programs or similar programs; and

- (B) appointed by the head of that agency;
- (4) one member who is:
 - (A) a member of the Health and Human Services Commission Promoting Independence Advisory Committee; and
 - (B) appointed by the governor; and
- (5) one representative from each of the following interest groups, appointed by the governor:
 - (A) financial institutions;
 - (B) multifamily housing developers;
 - (C) health services entities;
 - (D) nonprofit organizations that advocate for affordable housing and consumer-directed long-term services and support;
 - (E) consumers of service-enriched housing;
 - (F) advocates for minority issues; and
 - (G) rural communities.

SECTION ____ .10. Sections 487.002, 487.021, 487.022, 487.023, 487.024, 487.025, 487.028, 487.029, 487.051(b), 487.058, and 487.352, Government Code, are repealed.

SECTION ____ .11. (a) The Texas Department of Rural Affairs is abolished as an independent agency and transferred as a program to the Office of Rural Affairs in the Department of Agriculture. The board of the Texas Department of Rural Affairs is abolished.

(b) The validity of an action taken by the Texas Department of Rural Affairs or its board before either is abolished under Subsection (a) of this section is not affected by the abolishment.

(c) All rules, policies, procedures, and decisions of the Texas Department of Rural Affairs are continued in effect as rules, policies, procedures, and decisions of the Office of Rural Affairs in the Department of Agriculture until superseded by a rule, policy, procedure, or decision of the office.

(d) Any pending action or proceeding before the Texas Department of Rural Affairs becomes an action or proceeding before the Office of Rural Affairs in the Department of Agriculture.

SECTION ____ .12. (a) On October 1, 2011:

(1) the position of executive director of the Texas Department of Rural Affairs is abolished, except that the director of the Office of Rural Affairs in the Department of Agriculture may hire the executive director for a position in the office;

(2) an employee of the Texas Department of Rural Affairs becomes an employee of the Office of Rural Affairs in the Department of Agriculture;

(3) a reference in law to the Texas Department of Rural Affairs means the Office of Rural Affairs in the Department of Agriculture;

(4) all money, contracts, leases, rights, and obligations of the Texas Department of Rural Affairs are transferred to the Office of Rural Affairs in the Department of Agriculture;

(5) all property, including records, in the custody of the Texas Department of Rural Affairs becomes the property of the Office of Rural Affairs in the Department of Agriculture; and

(6) all funds appropriated by the legislature to the Texas Department of Rural Affairs are transferred to the Office of Rural Affairs in the Department of Agriculture.

(b) A function or activity performed by the Texas Department of Rural Affairs is transferred to the Office of Rural Affairs in the Department of Agriculture as provided by this article.

SECTION ____ .13. The Texas Department of Rural Affairs and the Department of Agriculture shall establish a transition plan for the transfer described in Sections ____ .11 and ____ .12 of this article.

SECTION ____ .14. Notwithstanding any other provision of this article, the governor retains the authority to designate an agency to administer federal disaster recovery funds and to transfer the federal funds to any state agency. On the date the governor designates a state agency, other than the Texas Department of Rural Affairs, to administer the federal community development block grant disaster recovery funds received for Hurricanes Rita, Dolly, and Ike:

(1) a reference in law to the Texas Department of Rural Affairs related to the disaster recovery funds means the agency designated by the governor to administer the disaster recovery funds;

(2) all money, contracts, leases, rights, and obligations of the Texas Department of Rural Affairs related to the disaster recovery funds are transferred to the designated agency; and

(3) all property, including records, in the custody of the Texas Department of Rural Affairs related to the disaster recovery funds becomes the property of the designated agency.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence temporarily for today to attend a meeting of the Committee on Calendars:

Bonnen on motion of Menendez.

Branch on motion of Menendez.

Coleman on motion of Menendez.

Cook on motion of Menendez.

Geren on motion of Menendez.

Hunter on motion of Menendez.

Keffer on motion of Menendez.

T. King on motion of Menendez.

Kolkhorst on motion of Menendez.

Lucio on motion of Menendez.

Ritter on motion of Menendez.

Rodriguez on motion of Menendez.

Solomons on motion of Menendez.

Truitt on motion of Menendez.

Zerwas on motion of Menendez.

CSSB 1 - (consideration continued)

Amendment No. 76 was withdrawn.

Amendment No. 77

Representative Gallego offered the following amendment to **CSSB 1**:

Floor Packet Page No. 230

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES of the bill accordingly:

ARTICLE ____ . ABOLISHMENT OF THE TEXAS EMERGING
TECHNOLOGY FUND

SECTION ____ .01. (a) Subchapters A, B, C, D, E, F, and G, Chapter 490, Government Code, are repealed.

(b) The repeal by this Act of Subchapters A, B, C, D, E, F, and G, Chapter 490, Government Code, does not affect the validity of any agreement between the governor and an award recipient or a person or entity to be awarded money entered into under those subchapters before the effective date of this Act.

(c) On the effective date of this Act, the Texas emerging technology fund is abolished and the unexpended and unencumbered money from that fund is available in the general revenue fund and may be used in accordance with legislative appropriation.

(d) After the effective date of this Act, unspent but encumbered money in the Texas emerging technology fund at the time the fund was abolished is in the general revenue fund. If the money was deposited in the Texas emerging technology fund as a gift, grant, or donation under Chapter 490, Government Code, and is encumbered by the specific terms of the gift, grant, or donation, the money may be spent only in accordance with the terms of the gift, grant, or donation. If the money is encumbered because it has been awarded or otherwise obligated by agreement before the effective date of this Act but under the terms of the award or agreement will not be distributed until a future time, the money shall be distributed in accordance with the terms of the award or agreement. If the governor determines that the money will not be distributed in accordance with the terms of the award or agreement, the governor shall certify that fact to the comptroller. On that certification, the comptroller shall make that money available in the general revenue fund to be used in accordance with legislative appropriation.

(e) After the effective date of this Act, any royalties, revenues, and other financial benefits realized from a project undertaken with money from the Texas emerging technology fund, as provided by a contract entered into under Section 490.103, Government Code, shall be deposited into the general revenue fund.

(f) Subchapters A, B, C, D, E, F, and G, Chapter 490, Government Code, are continued in effect for the limited purpose of supplying the necessary authority to administer Subsections (d) and (e) of this section.

(Huberty in the chair)

(Branch, Coleman, Geren, Hunter, Keffer, T. King, Ritter, and Rodriguez now present)

Representative Berman moved to table Amendment No. 77.

The motion to table prevailed by (Record 36): 83 Yeas, 47 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Branch; Brown; Burkett; Button; Callegari; Carter; Chisum; Craddock; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gonzalez; Gooden; Hamilton; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Howard, D.; Hunter; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Lavender; Legler; Lewis; Lozano; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Taylor, L.; Torres; Weber; Workman.

Nays — Alonzo; Alvarado; Anchia; Cain; Castro; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gutierrez; Hernandez Luna; Hochberg; Hughes; Isaac; Johnson; King, T.; Laubenberg; Mallory Caraway; Marquez; Martinez; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Paxton; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Sheets; Simpson; Strama; Taylor, V.; Thompson; Turner; Villarreal; Vo; White.

Present, not voting — Mr. Speaker; Huberty(C).

Absent, Excused — Bohac; Burnam; Hancock; Walle; Woolley.

Absent, Excused, Committee Meeting — Bonnen; Cook; Lucio; Solomons; Truitt; Zerwas.

Absent — Christian; Coleman; Guillen; Martinez Fischer; Peña; Veasey; Zedler.

STATEMENTS OF VOTE

When Record No. 36 was taken, I was excused to attend a meeting of the Committee on Calendars. I would have voted yes.

Cook

I was shown voting yes on Record No. 36. I intended to vote no.

Flynn

I was shown voting yes on Record No. 36. I intended to vote no.

Landtroop

When Record No. 36 was taken, I was excused to attend a meeting of the Committee on Calendars. I would have voted yes.

Truitt

When Record No. 36 was taken, I was in the house but away from my desk. I would have voted no.

Veasey

When Record No. 36 was taken, I was excused to attend a meeting of the Committee on Calendars. I would have voted yes.

Zerwas

(Cook and Zerwas now present)

Amendment No. 78

Representative Madden offered the following amendment to **CSSB 1**:

Floor Packet Page No. 232

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . PROVISIONS RELATING TO THE CORRECTIONAL
SYSTEM

SECTION ____ .01. Section 495.027(d), Government Code, is amended to read as follows:

(d) Subject to board approval, the department shall adopt policies governing the use of the pay telephone service by an inmate confined in a facility operated by the department, including a policy governing the eligibility of an inmate to use the service. The policies adopted under this subsection may not unduly restrict calling patterns or volume and must allow for an average monthly call usage rate of not less than 480 minutes per month [~~eight calls, with each call having an average duration of not less than 10 minutes,~~] per eligible inmate.

Amendment No. 78 was adopted. (Phillips and V. Taylor recorded voting no.)

Amendment No. 79

Representative Callegari offered the following amendment to **CSSB 1**:

Floor Packet Page No. 222

Amend **CSSB 1** (house committee report) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ TRANSFERRING TEXAS DEPARTMENT OF RURAL AFFAIRS TO OFFICE OF RURAL AFFAIRS WITHIN DEPARTMENT OF AGRICULTURE

SECTION ____ .01. The heading to Chapter 487, Government Code, is amended to read as follows:

CHAPTER 487. OFFICE ~~[TEXAS DEPARTMENT]~~ OF RURAL AFFAIRS ~~IN DEPARTMENT OF AGRICULTURE~~

SECTION ____ .02. Section 487.001, Government Code, is amended to read as follows:

Sec. 487.001. DEFINITIONS. In this chapter:

(1) "Board" means the commissioner ~~[board of the Texas Department of Rural Affairs]~~.

(2) "Commissioner" means the commissioner of agriculture.

(3) "Department" means the office ~~[Texas Department of Rural Affairs]~~.

(4) "Office" means the Office of Rural Affairs established within the Department of Agriculture under Section 12.038, Agriculture Code.

SECTION ____ .03. Subchapter A, Chapter 487, Government Code, is amended by adding Section 487.003 to read as follows:

Sec. 487.003. REFERENCE IN LAW. (a) A reference in this chapter or other law to the Texas Department of Rural Affairs or the Office of Rural Community Affairs means the office and a reference in this chapter or other law to the board of the Texas Department of Rural Affairs means the commissioner.

(b) A reference in law to the executive director of the Texas Department of Rural Affairs means the director of the Office of Rural Affairs appointed under Section 12.038, Agriculture Code.

SECTION ____ .04. Section 487.026, Government Code, is amended to read as follows:

Sec. 487.026. ~~[EXECUTIVE]~~ DIRECTOR. (a) The ~~[board may hire an executive]~~ director serves ~~[to serve]~~ as the chief executive officer of the office ~~[department]~~ and performs ~~[to perform]~~ the administrative duties of the office ~~[department]~~.

(b) ~~[The executive director serves at the will of the board.]~~

~~[(e)]~~ The ~~[executive]~~ director may hire staff within guidelines established by the commissioner ~~[board]~~.

SECTION ____ .05. Section 487.051(a), Government Code, is amended to read as follows:

(a) The office ~~[department]~~ shall:

(1) assist rural communities in the key areas of economic development, community development, rural health, and rural housing;

(2) serve as a clearinghouse for information and resources on all state and federal programs affecting rural communities;

(3) in consultation with rural community leaders, locally elected officials, state elected and appointed officials, academic and industry experts, and the interagency work group created under this chapter, identify and prioritize policy issues and concerns affecting rural communities in the state;

(4) make recommendations to the legislature to address the concerns affecting rural communities identified under Subdivision (3);

(5) monitor developments that have a substantial effect on rural Texas communities, especially actions of state government, and compile an annual report describing and evaluating the condition of rural communities;

(6) administer the federal community development block grant nonentitlement program;

(7) administer programs supporting rural health care as provided by this chapter;

(8) perform research to determine the most beneficial and cost-effective ways to improve the welfare of rural communities;

(9) ensure that the office ~~[department]~~ qualifies as the state's office of rural health for the purpose of receiving grants from the Office of Rural Health Policy of the United States Department of Health and Human Services under 42 U.S.C. Section 254r;

(10) manage the state's Medicare rural hospital flexibility program under 42 U.S.C. Section 1395i-4;

(11) seek state and federal money available for economic development in rural areas for programs under this chapter;

(12) in conjunction with other offices and divisions of the Department of Agriculture, regularly cross-train office ~~[department]~~ employees with other employees of the Department of Agriculture regarding the programs administered and services provided ~~[by each agency]~~ to rural communities; and

(13) work with interested persons to assist volunteer fire departments and emergency services districts in rural areas.

SECTION ____ .06. Section 487.0541(c), Government Code, is amended to read as follows:

(c) The work group shall meet at the call of the ~~[executive]~~ director of the office ~~[department]~~.

SECTION ____ .07. Section 487.055, Government Code, is amended to read as follows:

Sec. 487.055. ADVISORY COMMITTEES. (a) The commissioner ~~[board]~~ may appoint advisory committees as necessary to assist the office ~~[board]~~ in performing its duties. An advisory committee may be composed of private citizens and representatives from state and local governmental entities. A state or local governmental entity shall appoint a representative to an advisory committee at the request of the commissioner ~~[board]~~.

(b) Chapter 2110 does not apply to an advisory committee created under this section.

SECTION ____ .08. Section 487.351(d), Government Code, is amended to read as follows:

(d) An applicant for a grant, loan, or award under a community development block grant program may appeal a decision of the ~~[executive]~~ director by filing an appeal with the commissioner ~~[board]~~. The commissioner ~~[board]~~ shall hold a hearing on the appeal and render a decision.

SECTION ____ .09. Section 2306.1092(b), Government Code, is amended to read as follows:

(b) The council is composed of 16 members consisting of:

(1) the director;

(2) one representative from each of the following agencies, appointed by the head of that agency:

(A) the Office of Rural [~~Community~~] Affairs within the Department of Agriculture;

(B) the Texas State Affordable Housing Corporation;

(C) the Health and Human Services Commission;

(D) the Department of Assistive and Rehabilitative Services;

(E) the Department of Aging and Disability Services; and

(F) the Department of State Health Services;

(3) one representative from the Department of Agriculture who is:

(A) knowledgeable about the Texans Feeding Texans and Retire in Texas programs or similar programs; and

(B) appointed by the head of that agency;

(4) one member who is:

(A) a member of the Health and Human Services Commission Promoting Independence Advisory Committee; and

(B) appointed by the governor; and

(5) one representative from each of the following interest groups, appointed by the governor:

(A) financial institutions;

(B) multifamily housing developers;

(C) health services entities;

(D) nonprofit organizations that advocate for affordable housing and consumer-directed long-term services and support;

(E) consumers of service-enriched housing;

(F) advocates for minority issues; and

(G) rural communities.

SECTION ____ .10. Sections 487.002, 487.021, 487.022, 487.023, 487.024, 487.025, 487.028, 487.029, 487.051(b), 487.058, and 487.352, Government Code, are repealed.

SECTION ____ .11. (a) The Texas Department of Rural Affairs is abolished as an independent agency and transferred as a program to the Office of Rural Affairs in the Department of Agriculture. The board of the Texas Department of Rural Affairs is abolished.

(b) The validity of an action taken by the Texas Department of Rural Affairs or its board before either is abolished under Subsection (a) of this section is not affected by the abolishment.

(c) All rules, policies, procedures, and decisions of the Texas Department of Rural Affairs are continued in effect as rules, policies, procedures, and decisions of the Office of Rural Affairs in the Department of Agriculture until superseded by a rule, policy, procedure, or decision of the office.

(d) Any pending action or proceeding before the Texas Department of Rural Affairs becomes an action or proceeding before the Office of Rural Affairs in the Department of Agriculture.

SECTION ____.12. (a) On October 1, 2011:

(1) the position of executive director of the Texas Department of Rural Affairs is abolished, except that the director of the Office of Rural Affairs in the Department of Agriculture may hire the executive director for a position in the office;

(2) an employee of the Texas Department of Rural Affairs becomes an employee of the Office of Rural Affairs in the Department of Agriculture;

(3) a reference in law to the Texas Department of Rural Affairs means the Office of Rural Affairs in the Department of Agriculture;

(4) all money, contracts, leases, rights, and obligations of the Texas Department of Rural Affairs are transferred to the Office of Rural Affairs in the Department of Agriculture;

(5) all property, including records, in the custody of the Texas Department of Rural Affairs becomes the property of the Office of Rural Affairs in the Department of Agriculture; and

(6) all funds appropriated by the legislature to the Texas Department of Rural Affairs are transferred to the Office of Rural Affairs in the Department of Agriculture.

(b) A function or activity performed by the Texas Department of Rural Affairs is transferred to the Office of Rural Affairs in the Department of Agriculture as provided by this article.

SECTION ____.13. The Texas Department of Rural Affairs and the Department of Agriculture shall establish a transition plan for the transfer described in Sections ____.11 and ____.12 of this article.

SECTION ____.14. Notwithstanding any other provision of this article, the governor retains the authority to designate an agency to administer federal disaster recovery funds and to transfer the federal funds to any state agency. On the date the governor designates a state agency, other than the Texas Department of Rural Affairs, to administer the federal community development block grant disaster recovery funds received for Hurricanes Rita, Dolly, and Ike:

(1) a reference in law to the Texas Department of Rural Affairs related to the disaster recovery funds means the agency designated by the governor to administer the disaster recovery funds;

(2) all money, contracts, leases, rights, and obligations of the Texas Department of Rural Affairs related to the disaster recovery funds are transferred to the designated agency; and

(3) all property, including records, in the custody of the Texas Department of Rural Affairs related to the disaster recovery funds becomes the property of the designated agency.

Amendment No. 80

Representatives Hardcastle and Callegari offered the following amendment to Amendment No. 79:

Amend Amendment No. 79 by Callegari on page 222 to **CSSB 1** (house committee printing) by adding the following appropriately numbered SECTION and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION ____9. Chapter 487, Government Code, is amended by adding Subchapter R to read as follows:

SUBCHAPTER R. TEXAS RURAL HEALTH AND ECONOMIC
DEVELOPMENT ADVISORY COUNCIL

Sec. 487.801. DEFINITION. In this subchapter, "advisory council" means the Texas Rural Health and Economic Development Advisory Council established under this subchapter.

Sec. 487.802. ESTABLISHMENT AND COMPOSITION OF ADVISORY COUNCIL; PRESIDING OFFICER. (a) The commissioner shall establish the Texas Rural Health and Economic Development Advisory Council, composed of the following members:

(1) one local official in this state with health care expertise, appointed by the commissioner;

(2) one county official in this state with health care expertise, appointed by the commissioner;

(3) one senator serving a predominately rural area, appointed by the lieutenant governor;

(4) one member of the house of representatives serving a predominantly rural area, appointed by the speaker of the house of representatives;

(5) a representative of an institution of higher education in this state that specializes in public health and community and economic development, appointed by the commissioner; and

(6) four public members with health care or economic development expertise, appointed by the commissioner.

(b) The members of the advisory council serve staggered three-year terms. A member of the council appointed by the commissioner serves at the pleasure of the commissioner.

(c) The commissioner shall serve as presiding officer of the advisory council and as a nonvoting member of the advisory council. The commissioner is not counted as a member of the advisory council for purposes of establishing a quorum.

Sec. 487.803. DUTIES OF ADVISORY COUNCIL. The advisory council shall:

(1) advise the commissioner, director, and office on rural policy priorities, including priorities for the use and allocation in this state of federal block grant money;

(2) review this state's existing rural policies and programs;

(3) meet with the representatives of state agencies that administer rural programs as necessary to conduct the review required under Subdivision (2);

(4) make recommendations to the office regarding the allocation in this state of federal block grant money; and

(5) establish a rural health task force composed of all or a portion of the members of the advisory council.

Sec. 487.804. RURAL POLICY PLAN. (a) Not later than December 1 of each even-numbered year, the advisory council shall develop a rural policy plan that includes:

(1) strategic initiatives for this state regarding economic development, community development, and rural health, including priorities for the use and allocation in this state of federal block grant money; and

(2) recommendations for legislation and program development or revision.

(b) Not later than January 1 of each even-numbered year, the commissioner shall submit to the legislature a report of the findings of the advisory council.

Sec. 487.805. RURAL HEALTH TASK FORCE. The rural health task force shall:

(1) assist the advisory council in its efforts to expand and improve access to health care in rural areas of this state; and

(2) develop a statewide rural health plan for this state that includes:

(A) strategic initiatives for this state regarding rural health; and

(B) recommendations for legislation and program development or

revision.

Sec. 487.806. REIMBURSEMENT OF EXPENSES. A member of the advisory council may not receive compensation for service on the advisory council or rural health task force. Subject to availability of funds, an advisory council member may receive reimbursement for actual and necessary expenses incurred while conducting advisory council or task force business, as appropriate.

(Solomons now present)

Amendment No. 80 was adopted.

Amendment No. 79, as amended, was adopted.

Amendment No. 81

Representative Madden offered the following amendment to **CSSB 1**:

Floor Packet Page No. 233

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . PROVISIONS RELATING TO CORRECTIONAL HEALTH CARE

SECTION ____ .01. Subchapter C, Chapter 499, Government Code, is amended by adding Section 499.055 to read as follows:

Sec. 499.055. POPULATION MANAGEMENT BASED ON INMATE HEALTH. The department shall adopt policies designed to manage inmate population based on similar health conditions suffered by inmates. The policies adopted under this section must maximize organizational efficiencies and reduce health care costs to the department by housing inmates with similar health

conditions in the same unit or units that are, if possible, served by or located near one or more specialty health care providers most likely to be needed for the treatment of the health condition.

SECTION ____ .02. Section 501.063, Government Code, is amended to read as follows:

Sec. 501.063. INMATE FEE ~~[COPAYMENTS]~~ FOR ~~[CERTAIN]~~ HEALTH CARE ~~[VISITS]~~. (a)(1) An inmate confined in a facility operated by or under contract with the department, other than a halfway house, who initiates a visit to a health care provider shall pay a health care services fee ~~[make a copayment]~~ to the department in the amount of \$100 ~~[\$3]~~.

(2) The fee imposed under Subdivision (1) covers all visits to a health care provider that the inmate initiates until the first anniversary of the imposition of the fee.

(3) The inmate shall pay ~~[make]~~ the fee ~~[copayment]~~ out of the inmate's trust fund. If the balance in the fund is insufficient to cover the fee ~~[copayment]~~, 50 percent of each deposit to the fund shall be applied toward the balance owed until the total amount owed is paid.

(b) ~~[The department may not charge a copayment for health care:~~

~~[(1) provided in response to a life-threatening or emergency situation affecting the inmate's health;~~

~~[(2) initiated by the department;~~

~~[(3) initiated by the health care provider or consisting of routine follow-up, prenatal, or chronic care; or~~

~~[(4) provided under a contractual obligation that is established under the Interstate Corrections Compact or under an agreement with another state that precludes assessing a copayment.~~

~~[(e)]~~ The department shall adopt policies to ensure that before any deductions are made from an inmate's trust fund under this section ~~[an inmate initiates a visit to a health care provider]~~, the inmate is informed that the health care services fee ~~[a \$3 copayment]~~ will be deducted from the inmate's trust fund as required by Subsection (a).

~~[(d)]~~ The department may not deny an inmate ~~access to health care as a result of the inmate's failure or inability to pay a fee under this section~~ [make a copayment].

~~[(e)]~~ The department shall deposit money received under this section in an account in the general revenue fund that may be used only to pay the cost of correctional health care ~~[administering this section]~~. At the beginning of each fiscal year, the comptroller shall transfer any surplus from the preceding fiscal year to the state treasury to the credit of the general revenue fund.

SECTION ____ .03. Subchapter B, Chapter 501, Government Code, is amended by adding Section 501.067 to read as follows:

Sec. 501.067. AVAILABILITY OF CERTAIN MEDICATION. (a) In this section, "over-the-counter medication" means medication that may legally be sold and purchased without a prescription.

(b) The department shall make over-the-counter medication available for purchase by inmates in each inmate commissary operated by or under contract with the department.

(c) The department may not deny an inmate access to over-the-counter medications as a result of the inmate's inability to pay for the medication. The department shall pay for the cost of over-the-counter medication for inmates who are unable to pay for the medication out of the profits of inmate commissaries operated by or under contract with the department.

(d) The department may adopt policies concerning the sale and purchase of over-the-counter medication under this section as necessary to ensure the safety and security of inmates in the custody of, and employees of, the department, including policies concerning the quantities and types of over-the-counter medication that may be sold and purchased under this section.

SECTION ____ .04. Subchapter E, Chapter 501, Government Code, is amended by adding Section 501.1485 to read as follows:

Sec. 501.1485. CORRECTIONS MEDICATION AIDES. (a) The department, in cooperation with The University of Texas Medical Branch at Galveston and the Texas Tech University Health Sciences Center, shall develop and implement a training program for corrections medication aides that uses a curriculum specific to administering medication in a correctional setting.

(b) In developing the curriculum for the training program, the department, The University of Texas Medical Branch at Galveston, and the Texas Tech University Health Sciences Center shall:

(1) consider the content of the curriculum developed by the American Correctional Association for certified corrections nurses; and

(2) modify as appropriate the content of the curriculum developed under Chapter 242, Health and Safety Code, for medication aides administering medication in convalescent and nursing homes and related institutions to produce content suitable for administering medication in a correctional setting.

(c) The department shall submit an application for the approval of a training program developed under this section, including the curriculum, to the Department of Aging and Disability Services in the manner established by the executive commissioner of the Health and Human Services Commission under Section 161.083, Human Resources Code.

SECTION ____ .05. Section 251.012, Health and Safety Code, as effective September 1, 2011, is amended to read as follows:

Sec. 251.012. EXEMPTIONS FROM LICENSING REQUIREMENT. The following facilities are not required to be licensed under this chapter:

(1) a home and community support services agency licensed under Chapter 142 with a home dialysis designation;

(2) a hospital licensed under Chapter 241 that provides dialysis only to individuals receiving:

(A) ~~[individuals receiving]~~ inpatient services from the hospital; or

(B) ~~[individuals receiving]~~ outpatient services due to a disaster declared by the governor or a federal disaster declared by the president of the United States occurring in this state or another state during the term of the disaster declaration; ~~[or]~~

(3) a hospital operated by or on behalf of the state as part of the managed health care provider network established under Chapter 501, Government Code, that provides dialysis only to individuals receiving:

(A) inpatient services from the hospital; or

(B) outpatient services while serving a term of confinement in a facility operated by or under contract with the Texas Department of Criminal Justice;

(4) an end stage renal disease facility operated by or on behalf of the state as part of the managed health care provider network established under Chapter 501, Government Code, that provides dialysis only to individuals receiving those services while serving a term of confinement in a facility operated by or under contract with the Texas Department of Criminal Justice; or

(5) the office of a physician unless the office is used primarily as an end stage renal disease facility.

SECTION ____ .06. Subchapter D, Chapter 161, Human Resources Code, is amended by adding Section 161.083 to read as follows:

Sec. 161.083. CORRECTIONS MEDICATION AIDES. (a) The executive commissioner shall establish:

(1) minimum standards and procedures for the approval of corrections medication aide training programs, including curricula, developed under Section 501.1485, Government Code;

(2) minimum requirements for the issuance, denial, renewal, suspension, and revocation of a permit to a corrections medication aide, including the payment of an application or renewal fee in an amount necessary to cover the costs incurred by the department in administering this section; and

(3) the acts and practices that are within and outside the scope of a permit issued under this section.

(b) Not later than the 90th day after receipt of an application for approval of a corrections medication aide training program developed under Section 501.1485, Government Code, the department shall:

(1) approve the program, if the program meets the minimum standards and procedures established under Subsection (a)(1); or

(2) provide notice to the Texas Department of Criminal Justice that the program is not approved and include in the notice a description of the actions that are required for the program to be approved.

(c) The department shall issue a permit to or renew the permit of an applicant who meets the minimum requirements established under Subsection (a)(2). The department shall coordinate with the Texas Department of Criminal Justice in the performance of the department's duties and functions under this subsection.

SECTION ____ .07. (a) The Texas Department of Criminal Justice, in cooperation with The University of Texas Medical Branch at Galveston, the Texas Tech University Health Sciences Center, or a successor correctional managed health care provider, shall develop the training program required by Section 501.1485, Government Code, as added by this article, and the department shall submit an application for approval of that program, as required by Subsection (c) of that section, not later than January 1, 2012. If after the effective date of this Act and before the date the department develops the training program described by this subsection The University of Texas Medical Branch at Galveston and the Texas Tech University Health Sciences Center are no longer represented on the Correctional Managed Health Care Committee, or no longer serve as correctional managed health care providers, the executive director of the department shall request and receive the cooperation of any other state agency determined by the executive director to be an appropriate resource in the development of the program.

(b) The change in law made by this article in amending Section 251.012, Health and Safety Code, applies only to dialysis services provided on or after the effective date of this Act. Dialysis services provided before the effective date of this Act are covered by the law in effect immediately before that date, and the former law is continued in effect for that purpose.

(c) The executive commissioner of the Health and Human Services Commission shall establish the minimum standards and requirements and the acts and practices allowed or prohibited, as required by Section 161.083, Human Resources Code, as added by this article, not later than January 1, 2012.

Amendment No. 82

Representative Allen offered the following amendment to Amendment No. 81:

Amend Amendment No. 81 by Madden to **CSSB 1** (page 233 of the prefiled amendments packet) as follows:

(1) In SECTION ____ .02 of the article added by the amendment, immediately preceding "Section 501.063" (page 1, line 17), insert "(a)".

(2) At the end of SECTION ____ .02 of the article added by the amendment (page 2, between lines 29 and 30), insert the following:

(b) Effective September 1, 2015, Section 501.063, Government Code, is amended to read as follows:

Sec. 501.063. INMATE COPAYMENTS FOR CERTAIN HEALTH CARE VISITS. (a) An inmate confined in a facility operated by or under contract with the department, other than a halfway house, who initiates a visit to a health care provider shall make a copayment to the department in the amount of \$3. The inmate shall make the copayment out of the inmate's trust fund. If the balance in the fund is insufficient to cover the copayment, 50 percent of each deposit to the fund shall be applied toward the balance owed until the total amount owed is paid.

(b) The department may not charge a copayment for health care:

(1) provided in response to a life-threatening or emergency situation affecting the inmate's health;

(2) initiated by the department;

(3) initiated by the health care provider or consisting of routine follow-up, prenatal, or chronic care; or

(4) provided under a contractual obligation that is established under the Interstate Corrections Compact or under an agreement with another state that precludes assessing a copayment.

(c) The department shall adopt policies to ensure that before an inmate initiates a visit to a health care provider, the inmate is informed that a \$3 copayment will be deducted from the inmate's trust fund as required by Subsection (a).

(d) The department may not deny an inmate access to health care as a result of the inmate's failure or inability to make a copayment.

(e) The department shall deposit money received under this section in an account in the general revenue fund that may be used only to pay the cost of administering this section. At the beginning of each fiscal year, the comptroller shall transfer any surplus from the preceding fiscal year to the state treasury to the credit of the general revenue fund.

Amendment No. 82 was adopted.

(Kolkhorst now present)

Amendment No. 81, as amended, was adopted by (Record 37): 96 Yeas, 39 Nays, 2 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eiland; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gonzales, V.; Gooden; Hamilton; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Menendez; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Weber; White; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Castro; Davis, Y.; Deshotel; Dukes; Dutton; Farias; Farrar; Gallego; Giddings; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; Lozano; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Miles; Muñoz; Naishtat; Oliveira; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker; Huberty(C).

Absent, Excused — Bohac; Burnam; Hancock; Walle; Woolley.

Absent, Excused, Committee Meeting — Bonnen; Lucio; Truitt.

Absent — Christian; Coleman; Gonzalez; Howard, C.; Smith, W.

STATEMENT OF VOTE

When Record No. 37 was taken, I was excused to attend a meeting of the Committee on Calendars. I would have voted yes.

Truitt

Amendment No. 83

Representative Guillen offered the following amendment to **CSSB 1**:

Floor Packet Page No. 241

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . PILOT PROJECT TO ESTABLISH COMPREHENSIVE ACCESS POINT FOR LONG-TERM SERVICES AND SUPPORTS

SECTION ____ .01. Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.0525 to read as follows:

Sec. 531.0525. PILOT PROJECT TO ESTABLISH COMPREHENSIVE ACCESS POINT FOR LONG-TERM SERVICES AND SUPPORTS. (a) In this section:

(1) "Aging and disability resource center" means a center established under the Aging and Disability Resource Center initiative funded in part by the federal Administration on Aging and the Centers for Medicare and Medicaid Services.

(2) "Colocated long-term services and supports staff members" means:
(A) long-term services and supports staff members who are located in the same physical office; or

(B) long-term services and supports staff members who are not located in the same physical office but who work collaboratively through the use of the telephone or other technologies.

(3) "Department of Aging and Disability Services staff members" includes community services staff members of the Department of Aging and Disability Services.

(4) "Long-term services and supports" means long-term assistance or care provided to older persons and persons with physical disabilities through the Medicaid program or other programs. The term includes assistance or care provided through the following programs:

(A) the primary home care program;

(B) the community attendant services program;

(C) the community-based alternatives program;

(D) the day activity and health services program;

(E) the promoting independence program;

(F) a program funded through the Older Americans Act of 1965

(42 U.S.C. Section 3001 et seq.);

(G) a community care program funded through Title XX of the federal Social Security Act (42 U.S.C. Section 301 et seq.);

(H) the in-home and family support program; and

(I) a nursing facility program.

(5) "Long-term services and supports staff" means:

(A) one or more of the commission's Medicaid eligibility determination staff members;

(B) one or more Department of Aging and Disability Services staff members; and

(C) one or more area agency on aging staff members.

(6) "Pilot project site" means a location in an area served by the pilot project established under this section where colocated long-term services and supports staff members work collaboratively to provide information and tentatively assess functional and financial eligibility to initiate long-term services and supports.

(7) "Tentative assessment of functional and financial eligibility" means an expedited preliminary screening of an applicant to determine Medicaid eligibility with the goal of initiating services within seven business days. The tentative assessment does not guarantee state payment for services.

(b) Subject to availability of funds appropriated by the legislature for this purpose, the commission shall develop and implement a pilot project to establish a comprehensive access point system for long-term services and supports in which colocated long-term services and supports staff members work in collaboration to provide all necessary services in connection with long-term services and supports from the intake process to the start of service delivery. The pilot project must require that, at a minimum, the staff members work collaboratively to:

(1) inform and educate older persons, persons with physical disabilities, and their family members and other caregivers about long-term services and supports for which they may qualify;

(2) screen older persons and persons with physical disabilities requesting long-term services and supports;

(3) provide a tentative assessment of functional and financial eligibility for older persons and persons with physical disabilities requesting long-term services and supports for which there are no interest lists; and

(4) make final determinations of eligibility for long-term services and supports.

(c) In developing and implementing the pilot project, the commission shall ensure that:

(1) the pilot project site has colocated long-term services and supports staff members who are located in the same physical office;

(2) the pilot project site serves as a comprehensive access point for older persons and persons with physical disabilities to obtain information about long-term services and supports for which they may qualify and access long-term services and supports in the site's service area;

(3) the pilot project site is designed and operated in accordance with best practices adopted by the executive commissioner after the commission reviews best practices for similar initiatives in other states and professional policy-based research describing best practices for successful initiatives;

(4) the colocated long-term services and supports staff members supporting the pilot project site include:

(A) one full-time commission staff member who determines eligibility for the Medicaid program and who:

(i) has full access to the Texas Integrated Eligibility Redesign System (TIERS);

(ii) has previously made Medicaid long-term care eligibility determinations; and

(iii) is dedicated primarily to making eligibility determinations for incoming clients at the site;

(B) sufficient Department of Aging and Disability Services staff members to carry out the tentative functional and financial eligibility and screening functions at the site;

(C) sufficient area agency on aging staff members to:

(i) assist with the performance of screening functions and service coordination for services funded under the Older Americans Act of 1965 (42 U.S.C. Section 3001 et seq.), such as meals programs; and

(ii) identify other locally funded and supported services that will enable older persons and persons with physical disabilities to continue to reside in the community to the extent reasonable; and

(D) any available staff members from local service agencies; and

(5) the colocated long-term services and supports staff members of the pilot project site:

(A) process intakes for long-term services and supports in person or by telephone or through the Internet;

(B) use a standardized screening tool to tentatively assess both functional and financial eligibility with the goal of initiating services within seven business days;

(C) closely coordinate with local hospital discharge planners and staff members of extended rehabilitation units of local hospitals and nursing homes; and

(D) inform persons about community-based services available in the area served by the pilot project.

(d) The pilot project must be implemented in a single county or a multicounty area, as determined by the commission. The pilot project site must be located within an aging and disability resource center service area. If the commission finds that there is no aging and disability resource center that is willing or able to accommodate a pilot project site on the date the pilot project is to be implemented, the pilot project site may be located at another appropriate location.

(e) Not later than January 31, 2013, the commission shall submit a report concerning the pilot project to the presiding officers of the standing committees of the senate and house of representatives having primary jurisdiction over health and human services. The report must:

(1) contain an evaluation of the operation of the pilot project;
(2) contain an evaluation of the pilot project's benefits for persons who received services;

(3) contain a calculation of the costs and cost savings that can be attributed to implementation of the pilot project;

(4) include a recommendation regarding adopting improved policies and procedures concerning long-term services and supports with statewide applicability, as determined from information obtained in operating the pilot project;

(5) include a recommendation regarding the feasibility of expanding the pilot project to other areas of this state or statewide; and

(6) contain the perspectives of service providers participating in the pilot project.

(f) This section expires September 1, 2015.

SECTION ____ .02. Not later than December 31, 2011, the Health and Human Services Commission shall ensure that the pilot project site is in operation under the pilot project required by Section 531.0525, Government Code, as added by this article.

SECTION ____ .03. If before implementing any provision of this article a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

SECTION ____ .04. 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 on the 91st day after the last day of the legislative session.

(Lucio now present)

(Speaker in the chair)

Amendment No. 83 failed of adoption by (Record 38): 45 Yeas, 92 Nays, 1 Present, not voting.

Yeas — Alonzo; Alvarado; Anchia; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farrar; Gallego; Giddings; Gonzales, V.; Guillen; Hernandez Luna; Hochberg; Howard, D.; Jackson; Johnson; King, T.; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Zerwas.

Nays — Aliseda; Allen; Anderson, C.; Anderson, R.; Aycocock; Beck; Berman; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gonzalez; Gooden; Hamilton; Hardcastle; Harless; Harper-Brown; Hilderbran; Hopson; Howard, C.; Hughes; Hunter; Isaac; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Weber; White; Workman; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Burnam; Hancock; Walle; Woolley.

Absent, Excused, Committee Meeting — Bonnen; Truitt.

Absent — Christian; Farias; Gutierrez; Hartnett; Huberty.

STATEMENT OF VOTE

When Record No. 38 was taken, I was excused to attend a meeting of the Committee on Calendars. I would have voted no.

Truitt

Amendment No. 84

Representative Coleman offered the following amendment to **CSSB 1**:

Floor Packet Page No. 247

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . COUNTY HIV AND AIDS SERVICES MEDICAID WAIVER PROGRAM

SECTION ____ .01. Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.09721 to read as follows:

Sec. 531.09721. COUNTY HIV AND AIDS SERVICES MEDICAID WAIVER PROGRAM. (a) If feasible and cost-effective, the commission may apply for a waiver from the federal Centers for Medicare and Medicaid Services or another appropriate federal agency to more efficiently leverage the use of state and local funds in order to maximize the receipt of federal Medicaid matching funds by providing counties in the state with the flexibility to provide benefits under the Medicaid program to individuals who:

(1) have a net family income that is at or below 150 percent of the federal poverty level; and

(2) are eligible to receive medical treatment for HIV or AIDS through the county.

(b) In establishing the waiver program required under this section, the commission shall:

(1) ensure that the state is a prudent purchaser of the health care services that are needed for the individuals described by Subsection (a);

(2) solicit broad-based input from interested persons;

(3) ensure that the benefits received by an individual through the county are not reduced once the individual is enrolled in the waiver program; and

(4) employ the use of intergovernmental transfers and other procedures to maximize the receipt of federal Medicaid matching funds.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Callegari requested permission for the Committee on Government Efficiency and Reform to meet while the house is in session, at 8:45 p.m. today, in 3W.9, to consider pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Government Efficiency and Reform, 8:45 p.m. today, 3W.9, for a formal meeting, to consider pending business.

CSSB 1 - (consideration continued)

Amendment No. 84 was adopted.

Amendment No. 85

Representative Coleman offered the following amendment to **CSSB 1**:
Floor Packet Page No. 249

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE of the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ COUNTY MENTAL HEALTH SERVICES MEDICAID
WAIVER PROGRAM

SECTION ____ .01. Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.0226 to read as follows:

Sec. 531.0226. COUNTY MENTAL HEALTH SERVICES MEDICAID WAIVER PROGRAM. (a) If feasible and cost-effective, the commission may apply for a waiver from the federal Centers for Medicare and Medicaid Services or another appropriate federal agency to more efficiently leverage the use of state and local funds in order to maximize the receipt of federal Medicaid matching funds by providing counties in the state with the flexibility to provide benefits under the Medicaid program to individuals who:

(1) have a net family income that is at or below 200 percent of the federal poverty level; and

(2) are eligible to receive mental health services through the county.

(b) In establishing the waiver program under this section, the commission shall:

- (1) ensure that the state is a prudent purchaser of the health care services that are needed for the individuals described by Subsection (a);
- (2) solicit broad-based input from interested persons;
- (3) ensure that the benefits received by an individual through the county are not reduced once the individual is enrolled in the waiver program; and
- (4) employ the use of intergovernmental transfers and other procedures to maximize the receipt of federal Medicaid matching funds.

Amendment No. 85 was adopted.

Amendment No. 86

Representative Zerwas offered the following amendment to **CSSB 1**:

Floor Packet Page No. 251

Amend **CSSB 1** (house committee report) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . TEXAS HEALTH OPPORTUNITY POOL TRUST FUND.

(a) Sections 531.502(b) and (d), Government Code, are amended to read as follows:

(b) The executive commissioner may include the following federal money in the waiver:

(1) [all] money provided under the disproportionate share hospitals or [and] upper payment limit supplemental payment program, or both [programs];

(2) money provided by the federal government in lieu of some or all of the payments under one or both of the those programs;

(3) any combination of funds authorized to be pooled by Subdivisions (1) and (2); and

(4) any other money available for that purpose, including:

(A) federal money and money identified under Subsection (c);

(B) gifts, grants, or donations for that purpose;

(C) local funds received by this state through intergovernmental transfers; and

(D) if approved in the waiver, federal money obtained through the use of certified public expenditures.

(d) The terms of a waiver approved under this section must:

(1) include safeguards to ensure that the total amount of federal money provided under the disproportionate share hospitals or [and] upper payment limit supplemental payment program [programs] that is deposited as provided by Section 531.504 is, for a particular state fiscal year, at least equal to the greater of the annualized amount provided to this state under those supplemental payment programs during state fiscal year 2007, excluding amounts provided during that state fiscal year that are retroactive payments, or the state fiscal years during which the waiver is in effect; and

(2) allow for the development by this state of a methodology for allocating money in the fund to:

(A) offset, in part, the uncompensated health care costs incurred by hospitals;

(B) reduce the number of persons in this state who do not have health benefits coverage; and

(C) maintain and enhance the community public health infrastructure provided by hospitals.

(b) Section 531.504, Government Code, is amended to read as follows:

Sec. 531.504. DEPOSITS TO FUND. (a) The comptroller shall deposit in the fund:

(1) [all] federal money provided to this state under the disproportionate share hospitals supplemental payment program or [and] the hospital upper payment limit supplemental payment program, or both, other than money provided under those programs to state-owned and operated hospitals, and all other non-supplemental payment program federal money provided to this state that is included in the waiver authorized by Section 531.502; and

(2) state money appropriated to the fund.

(b) The commission and comptroller may accept gifts, grants, and donations from any source, and receive intergovernmental transfers, for purposes consistent with this subchapter and the terms of the waiver. The comptroller shall deposit a gift, grant, or donation made for those purposes in the fund.

(c) Section 531.508, Government Code, is amended by adding Subsection (d) to read as follows:

(d) Money from the fund may not be used to finance the construction, improvement, or renovation of a building or land unless the construction, improvement, or renovation is approved by the commission, according to rules adopted by the executive commissioner for that purpose.

(d) Section 531.502(g), Government Code, is repealed.

Amendment No. 87

Representative Zerwas offered the following amendment to Amendment No. 86:

Amend Amendment No. 86 by Zerwas to **CSSB 1** (pages 251-252, prefiled amendment packet) by striking the text of the amendment and substituting the following:

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . TEXAS HEALTH OPPORTUNITY POOL TRUST FUND

SECTION ____ .01. (a) Subsections (b), (c), and (d), Section 531.502, Government Code, are amended to read as follows:

(b) The executive commissioner may include the following federal money in the waiver:

(1) ~~all~~ money provided under the disproportionate share hospitals or ~~and~~ upper payment limit supplemental payment program, or both [programs];

(2) money provided by the federal government in lieu of some or all of the payments under one or both of those programs;

(3) any combination of funds authorized to be pooled by Subdivisions (1) and (2); and

(4) any other money available for that purpose, including:

(A) federal money and money identified under Subsection (c);

(B) gifts, grants, or donations for that purpose;

(C) local funds received by this state through intergovernmental transfers; and

(D) if approved in the waiver, federal money obtained through the use of certified public expenditures.

(c) The commission shall seek to optimize federal funding by:

(1) identifying health care related state and local funds and program expenditures that, before September 1, 2011 [2007], are not being matched with federal money; and

(2) exploring the feasibility of:

(A) certifying or otherwise using those funds and expenditures as state expenditures for which this state may receive federal matching money; and

(B) depositing federal matching money received as provided by Paragraph (A) with other federal money deposited as provided by Section 531.504, or substituting that federal matching money for federal money that otherwise would be received under the disproportionate share hospitals and upper payment limit supplemental payment programs as a match for local funds received by this state through intergovernmental transfers.

(d) The terms of a waiver approved under this section must:

(1) include safeguards to ensure that the total amount of federal money provided under the disproportionate share hospitals or ~~[and]~~ upper payment limit supplemental payment program [~~programs~~] that is deposited as provided by Section 531.504 is, for a particular state fiscal year, at least equal to the greater of the annualized amount provided to this state under those supplemental payment programs during state fiscal year 2011 [2007], excluding amounts provided during that state fiscal year that are retroactive payments, or the state fiscal years during which the waiver is in effect; and

(2) allow for the development by this state of a methodology for allocating money in the fund to:

(A) be used to supplement Medicaid hospital reimbursements under a waiver that includes terms that are consistent with, or that produce revenues consistent with, disproportionate share hospital and upper payment limit principles [~~offset, in part, the uncompensated health care costs incurred by hospitals~~];

(B) reduce the number of persons in this state who do not have health benefits coverage; and

(C) maintain and enhance the community public health infrastructure provided by hospitals.

SECTION ____ .02. Section 531.504, Government Code, is amended to read as follows:

Sec. 531.504. DEPOSITS TO FUND. (a) The comptroller shall deposit in the fund:

(1) ~~all~~ federal money provided to this state under the disproportionate share hospitals supplemental payment program or ~~and~~ the hospital upper payment limit supplemental payment program, or both, other than money provided under those programs to state-owned and operated hospitals, and all other non-supplemental payment program federal money provided to this state that is included in the waiver authorized by Section 531.502; and

(2) state money appropriated to the fund.

(b) The commission and comptroller may accept gifts, grants, and donations from any source, and receive intergovernmental transfers, for purposes consistent with this subchapter and the terms of the waiver. The comptroller shall deposit a gift, grant, or donation made for those purposes in the fund. Any intergovernmental transfer received, including associated federal matching funds, shall be used, if feasible, for the purposes intended by the transferring entity and in accordance with the terms of the waiver.

SECTION ____ .03. Section 531.508, Government Code, is amended by adding Subsection (d) to read as follows:

(d) Money from the fund may not be used to finance the construction, improvement, or renovation of a building or land unless the construction, improvement, or renovation is approved by the commission, according to rules adopted by the executive commissioner for that purpose.

SECTION ____ .04. Subsection (g), Section 531.502, Government Code, is repealed.

Amendment No. 87 was adopted.

Amendment No. 86, as amended, was adopted.

Amendment No. 88

Representative Zerwas offered the following amendment to **CSSB 1**:

Floor Packet Page No. 253

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . DELIVERY OF MEDICAID MANAGED CARE SERVICES

SECTION ____ .01. Section 533.0025(e), Government Code, is repealed.

Amendment No. 89

Representatives V. Gonzales, Muñoz, Oliveira, Lucio, Lozano, and Martinez offered the following amendment to Amendment No. 88:

Amend Amendment No. 88 by Zerwas to **CSSB 1** (page 253, prefiled amendment packet) by striking lines 6 through 7 and substituting the following:

SECTION ____ .01. (a) Subsection (e), Section 533.0025, Government Code, is amended to read as follows:

(e) The commission shall determine the most cost-effective alignment of managed care service delivery areas. The commissioner may consider the number of lives impacted, the usual source of health care services for residents in an area, and other factors that impact the delivery of health care services in the area.

~~[Notwithstanding Subsection (b)(1), the commission may not provide medical assistance using a health maintenance organization in Cameron County, Hidalgo County, or Maverick County.]~~

(b) Subchapter A, Chapter 533, Government Code, is amended by adding Sections 533.0027, 533.0028, and 533.0029 to read as follows:

Sec. 533.0027. PROCEDURES TO ENSURE CERTAIN RECIPIENTS ARE ENROLLED IN SAME MANAGED CARE PLAN. The commission shall ensure that all recipients who are children and who reside in the same household may, at the family's election, be enrolled in the same managed care plan.

Sec. 533.0028. EVALUATION OF CERTAIN STAR + PLUS MEDICAID MANAGED CARE PROGRAM SERVICES. The external quality review organization shall periodically conduct studies and surveys to assess the quality of care and satisfaction with health care services provided to enrollees in the STAR + PLUS Medicaid managed care program who are eligible to receive health care benefits under both the Medicaid and Medicare programs.

Sec. 533.0029. PROMOTION AND PRINCIPLES OF PATIENT-CENTERED MEDICAL HOMES FOR RECIPIENTS. (a) For purposes of this section, a "patient-centered medical home" means a medical relationship:

(1) between a primary care physician and a child or adult patient in which the physician:

(A) provides comprehensive primary care to the patient; and

(B) facilitates partnerships between the physician, the patient, acute care and other care providers, and, when appropriate, the patient's family; and

(2) that encompasses the following primary principles:

(A) the patient has an ongoing relationship with the physician, who is trained to be the first contact for the patient and to provide continuous and comprehensive care to the patient;

(B) the physician leads a team of individuals at the practice level who are collectively responsible for the ongoing care of the patient;

(C) the physician is responsible for providing all of the care the patient needs or for coordinating with other qualified providers to provide care to the patient throughout the patient's life, including preventive care, acute care, chronic care, and end-of-life care;

(D) the patient's care is coordinated across health care facilities and the patient's community and is facilitated by registries, information technology, and health information exchange systems to ensure that the patient receives care when and where the patient wants and needs the care and in a culturally and linguistically appropriate manner; and

(E) quality and safe care is provided.

(b) The commission shall, to the extent possible, work to ensure that managed care organizations:

(1) promote the development of patient-centered medical homes for recipients; and

(2) provide payment incentives for providers that meet the requirements of a patient-centered medical home.

(c) Section 533.003, Government Code, is amended to read as follows:

Sec. 533.003. CONSIDERATIONS IN AWARDING CONTRACTS. In awarding contracts to managed care organizations, the commission shall:

(1) give preference to organizations that have significant participation in the organization's provider network from each health care provider in the region who has traditionally provided care to Medicaid and charity care patients;

(2) give extra consideration to organizations that agree to assure continuity of care for at least three months beyond the period of Medicaid eligibility for recipients;

(3) consider the need to use different managed care plans to meet the needs of different populations; ~~and~~

(4) consider the ability of organizations to process Medicaid claims electronically; and

(5) in the initial implementation of managed care in the South Texas service region, give extra consideration to an organization that either:

(A) is locally owned, managed, and operated, if one exists; or

(B) is in compliance with the requirements of Section 533.004.

(d) Section 533.005, Government Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) A contract between a managed care organization and the commission for the organization to provide health care services to recipients must contain:

(1) procedures to ensure accountability to the state for the provision of health care services, including procedures for financial reporting, quality assurance, utilization review, and assurance of contract and subcontract compliance;

(2) capitation rates that ensure the cost-effective provision of quality health care;

(3) a requirement that the managed care organization provide ready access to a person who assists recipients in resolving issues relating to enrollment, plan administration, education and training, access to services, and grievance procedures;

(4) a requirement that the managed care organization provide ready access to a person who assists providers in resolving issues relating to payment, plan administration, education and training, and grievance procedures;

(5) a requirement that the managed care organization provide information and referral about the availability of educational, social, and other community services that could benefit a recipient;

(6) procedures for recipient outreach and education;

(7) a requirement that the managed care organization make payment to a physician or provider for health care services rendered to a recipient under a managed care plan not later than the 45th day after the date a claim for payment is received with documentation reasonably necessary for the managed care organization to process the claim, or within a period, not to exceed 60 days, specified by a written agreement between the physician or provider and the managed care organization;

(8) a requirement that the commission, on the date of a recipient's enrollment in a managed care plan issued by the managed care organization, inform the organization of the recipient's Medicaid certification date;

(9) a requirement that the managed care organization comply with Section 533.006 as a condition of contract retention and renewal;

(10) a requirement that the managed care organization provide the information required by Section 533.012 and otherwise comply and cooperate with the commission's office of inspector general;

(11) a requirement that the managed care organization's usages of out-of-network providers or groups of out-of-network providers may not exceed limits for those usages relating to total inpatient admissions, total outpatient services, and emergency room admissions determined by the commission;

(12) if the commission finds that a managed care organization has violated Subdivision (11), a requirement that the managed care organization reimburse an out-of-network provider for health care services at a rate that is equal to the allowable rate for those services, as determined under Sections 32.028 and 32.0281, Human Resources Code;

(13) a requirement that the organization use advanced practice nurses in addition to physicians as primary care providers to increase the availability of primary care providers in the organization's provider network;

(14) a requirement that the managed care organization reimburse a federally qualified health center or rural health clinic for health care services provided to a recipient outside of regular business hours, including on a weekend day or holiday, at a rate that is equal to the allowable rate for those services as determined under Section 32.028, Human Resources Code, if the recipient does not have a referral from the recipient's primary care physician; ~~and~~

(15) a requirement that the managed care organization develop, implement, and maintain a system for tracking and resolving all provider appeals related to claims payment, including a process that will require:

(A) a tracking mechanism to document the status and final disposition of each provider's claims payment appeal;

(B) the contracting with physicians who are not network providers and who are of the same or related specialty as the appealing physician to resolve claims disputes related to denial on the basis of medical necessity that remain unresolved subsequent to a provider appeal; and

(C) the determination of the physician resolving the dispute to be binding on the managed care organization and provider;

(16) a requirement that a medical director who is authorized to make medical necessity determinations is available to the region where the managed care organization provides health care services;

(17) a requirement that the managed care organization ensure that a medical director and patient care coordinators and provider and recipient support services personnel are located in the South Texas service region, if the managed care organization provides a managed care plan in that region;

(18) a requirement that the managed care organization provide special programs and materials for recipients with limited English proficiency or low literacy skills;

(19) a requirement that the managed care organization develop and establish a process for responding to provider appeals in the region where the organization provides health care services;

(20) a requirement that the managed care organization develop and submit to the commission, before the organization begins to provide health care services to recipients, a comprehensive plan that describes how the organization's provider network will provide recipients sufficient access to:

(A) preventive care;

(B) primary care;

(C) specialty care;

(D) after-hours urgent care; and

(E) chronic care;

(21) a requirement that the managed care organization demonstrate to the commission, before the organization begins to provide health care services to recipients, that:

(A) the organization's provider network has the capacity to serve the number of recipients expected to enroll in a managed care plan offered by the organization;

(B) the organization's provider network includes:

(i) a sufficient number of primary care providers;

(ii) a sufficient variety of provider types; and

(iii) providers located throughout the region where the organization will provide health care services; and

(C) health care services will be accessible to recipients through the organization's provider network to a comparable extent that health care services would be available to recipients under a fee-for-service or primary care case management model of Medicaid managed care; and

(22) a requirement that the managed care organization develop a monitoring program for measuring the quality of the health care services provided by the organization's provider network that:

(A) incorporates the National Committee for Quality Assurance's Healthcare Effectiveness Data and Information Set (HEDIS) measures;

(B) focuses on measuring outcomes; and

(C) includes the collection and analysis of clinical data relating to prenatal care, preventive care, mental health care, and the treatment of acute and chronic health conditions and substance abuse.

(e) Subchapter A, Chapter 533, Government Code, is amended by adding Section 533.0066 to read as follows:

Sec. 533.0066. PROVIDER INCENTIVES. The commission shall, to the extent possible, work to ensure that managed care organizations provide payment incentives to health care providers in the organizations' networks whose performance in promoting recipients' use of preventive services exceeds minimum established standards.

(f) Section 533.0071, Government Code, is amended to read as follows:

Sec. 533.0071. ADMINISTRATION OF CONTRACTS. The commission shall make every effort to improve the administration of contracts with managed care organizations. To improve the administration of these contracts, the commission shall:

(1) ensure that the commission has appropriate expertise and qualified staff to effectively manage contracts with managed care organizations under the Medicaid managed care program;

(2) evaluate options for Medicaid payment recovery from managed care organizations if the enrollee dies or is incarcerated or if an enrollee is enrolled in more than one state program or is covered by another liable third party insurer;

(3) maximize Medicaid payment recovery options by contracting with private vendors to assist in the recovery of capitation payments, payments from other liable third parties, and other payments made to managed care organizations with respect to enrollees who leave the managed care program;

(4) decrease the administrative burdens of managed care for the state, the managed care organizations, and the providers under managed care networks to the extent that those changes are compatible with state law and existing Medicaid managed care contracts, including decreasing those burdens by:

(A) where possible, decreasing the duplication of administrative reporting requirements for the managed care organizations, such as requirements for the submission of encounter data, quality reports, historically underutilized business reports, and claims payment summary reports;

(B) allowing managed care organizations to provide updated address information directly to the commission for correction in the state system;

(C) promoting consistency and uniformity among managed care organization policies, including policies relating to the preauthorization process, lengths of hospital stays, filing deadlines, levels of care, and case management services; ~~and~~

(D) reviewing the appropriateness of primary care case management requirements in the admission and clinical criteria process, such as requirements relating to including a separate cover sheet for all communications, submitting handwritten communications instead of electronic or typed review processes, and admitting patients listed on separate notifications; and

(E) providing a single portal through which providers in any managed care organization's provider network may submit claims; and

(5) reserve the right to amend the managed care organization's process for resolving provider appeals of denials based on medical necessity to include an independent review process established by the commission for final determination of these disputes.

(g) Subchapter A, Chapter 533, Government Code, is amended by adding Section 533.0073 to read as follows:

Sec. 533.0073. MEDICAL DIRECTOR QUALIFICATIONS. A person who serves as a medical director for a managed care plan must be a physician licensed to practice medicine in this state under Subtitle B, Title 3, Occupations Code.

SECTION ____ .02. If before implementing any provision of this article a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

Amendment No. 89 was adopted.

Amendment No. 90

Representative Brown offered the following amendment to Amendment No. 88:

Amend Amendment No. 88 to **CSSB 1** by Zerwas (prefiled amendment packet, page 255) by adding the following to the amendment:

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . CONSIDERATIONS IN AWARDING MEDICAID MANAGED CARE CONTRACTS

SECTION ____ .01. Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.0696 to read as follows:

Sec. 531.0696. CONSIDERATIONS IN AWARDING CERTAIN CONTRACTS. The commission may not contract with a managed care organization, including a health maintenance organization, or a pharmacy benefit manager if, in the preceding three years, the organization or pharmacy benefit manager, in connection with a bid, proposal, or contract with a governmental entity:

- (1) made a material misrepresentation or committed fraud;
- (2) was convicted of violating a state or federal law; or
- (3) was assessed a penalty or fine in the amount of \$500,000 or more in a state or federal administrative proceeding.

SECTION ____ .02. If before implementing any provision of this article a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

Amendment No. 90 was adopted.

Amendment No. 88, as amended, was adopted.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Guillen requested permission for the Committee on Culture, Recreation, and Tourism to meet while the house is in session, at 8:15 p.m. today, in 3W.9, to consider **HB 56**.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Culture, Recreation, and Tourism, 8:15 p.m. today, 3W.9, for a formal meeting, to consider **HB 56**.

CSSB 1 - (consideration continued)

Amendment No. 91

Representative Geren offered the following amendment to **CSSB 1**:
Floor Packet Page No. 285

Amend **CSSB 1** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) If **HB 1616**, Acts of the 82nd Legislature, Regular Session, 2011, becomes law and is effective before the effective date of this Act, Section 571.123(b), Government Code, as effective September 1, 2011, is amended to read as follows:

(b) After a complaint is filed, the commission shall immediately attempt to contact and notify the respondent of the complaint by telephone or electronic mail. Not later than the fifth business day after the date a complaint is filed, the commission shall send written notice to the complainant and the respondent. The written notice to the complainant and the respondent must:

(1) state whether the complaint complies with the form requirements of Section 571.122;

(2) if the respondent is a candidate or officeholder, state the procedure by which the respondent may designate an agent with whom commission staff may discuss the complaint; and

(3) if applicable, include the information required by Section 571.124(e); and

~~(4) if applicable, state that the respondent has 14 business days to correct the report that is the basis of the complaint, as provided by Section 254.0406, Election Code].~~

(b) If **HB 1616**, Acts of the 82nd Legislature, Regular Session, 2011, becomes law and is effective before the effective date of this Act, Section 571.124(a), Government Code, as effective September 1, 2011, is amended to read as follows:

(a) ~~The [Except as provided by Subsection (g), the]~~ commission staff shall promptly conduct a preliminary review on receipt of a written complaint that is in compliance with the form requirements of Section 571.122.

(c) If **HB 1616**, Acts of the 82nd Legislature, Regular Session, 2011, becomes law and is effective before the effective date of this Act, the following provisions, as effective September 1, 2011, are repealed:

(1) Section 254.0406, Election Code;

(2) Section 571.1223, Government Code; and

(3) Section 571.124(g), Government Code.

(d) If **HB 1616**, Acts of the 82nd Legislature, Regular Session, 2011, becomes law but is not effective before the effective date of this Act, Section 571.123(b), Government Code, is amended to read as follows:

(b) After a complaint is filed, the commission shall immediately attempt to contact and notify the respondent of the complaint by telephone or electronic mail. Not later than the fifth business day after the date a complaint is filed, the commission shall send written notice to the complainant and the respondent. The written notice to the complainant and the respondent must:

(1) state whether the complaint complies with the form requirements of Section 571.122;

(2) if the respondent is a candidate or officeholder, state the procedure by which the respondent may designate an agent with whom commission staff may discuss the complaint; and

(3) ~~(2)~~ if applicable, include the information required by Section 571.124(e).

(e) If **HB 1616**, Acts of the 82nd Legislature, Regular Session, 2011, becomes law but is not effective before the effective date of this Act, Sections 3, 7, and 10 of that Act have no effect.

(f) If **HB 1616**, Acts of the 82nd Legislature, Regular Session, 2011, does not become law, this section has no effect.

Amendment No. 91 was withdrawn.

Amendment No. 92

Representative Guillen offered the following amendment to **CSSB 1**:
Floor Packet Page No. 294

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . QUALIFIED TRANSPORTATION BENEFITS

SECTION ____ .01. Section 659.102, Government Code, is amended by adding Subsection (b-1) and amending Subsection (c) to read as follows:

(b-1) The supplemental optional benefits program must include a qualified transportation benefit.

(c) The supplemental optional benefits program may include permanent life insurance, catastrophic illness insurance, disability insurance, or prepaid legal services~~[-, or a qualified transportation benefit].~~

SECTION ____ .02. This article takes effect January 1, 2013.

Amendment No. 92 was adopted. (Burkett, Cain, Crownover, Harper-Brown, Isaac, Phillips, L. Taylor, V. Taylor, and White recorded voting no.)

Amendment No. 93

Representative C. Anderson offered the following amendment to **CSSB 1**:
Floor Packet Page No. 297

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ INTERLOCAL COOPERATION CONTRACTS

SECTION ____ .01. Section 791.011, Government Code, is amended by adding Subsections (h-1) and (h-2) to read as follows:

(h-1) In this subsection, "roofing materials or services" includes materials or services for repair or replacement of a roof. An interlocal contract between a governmental entity and a purchasing cooperative may not be used to purchase roofing materials or services from a person who provided consulting services to the cooperative on the contract, including providing specifications for bids on the contract. This prohibition also applies to:

(1) a person that is an agent, subsidiary, or parent company of the person who consulted with the cooperative; or

(2) a person related in the second degree of consanguinity or affinity to a person who consulted with the cooperative.

(h-2) The prohibition under Subsection (h-1) does not apply to a renewal of a contract based on a request for proposal submitted, or substantially similar to a request for proposal submitted, before October 1, 2011, if the contract is renewed before October 1, 2012. This subsection expires October 1, 2012.

SECTION ____ .02. The change in law made by this article to Section 791.011, Government Code, applies only to an interlocal contract or an amendment to, supplement to, or waiver of a provision of a contract made on or after the effective date of this article. An interlocal contract or an amendment to, supplement to, or waiver of a provision of a contract made before the effective date of this article is governed by the law in effect when the contract or amendment, supplement, or waiver was made, and the former law is continued for that purpose.

SECTION ____ .03. This article takes effect October 1, 2011.

Amendment No. 93 was adopted. (Perry recorded voting no.)

Amendment No. 94

Representative L. Gonzales offered the following amendment to **CSSB 1**:
Floor Packet Page No. 299

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered article to the bill and renumbering subsequent articles and sections of those articles accordingly:

ARTICLE ____ . TEACHER RETIREMENT SYSTEM OF TEXAS:
SUPPLEMENTAL PAYMENT

SECTION ____ .01. This article is not intended to supplant the power or discretion of the legislature to provide supplemental payments to annuitants of the Teacher Retirement System of Texas. This article provides an additional tool by which the legislature, in enacting this law, may provide those annuitants with a much-needed one-time supplemental payment without requesting additional funds from general revenue.

SECTION ____ .02. Section 821.006, Government Code, is amended by adding Subsections (c), (d), and (e) to read as follows:

(c) Notwithstanding Subsections (a) and (b), the retirement system may provide a one-time supplemental payment to an annuitant eligible to receive:

- (1) a standard retirement annuity payment;
- (2) an optional retirement annuity payment as either a retiree or beneficiary;
- (3) a life annuity payment under Section 824.402(a)(4);
- (4) an annuity for a guaranteed period of 60 months under Section 824.402(a)(3); or
- (5) an alternate payee annuity payment under Section 804.005.

(d) A one-time supplemental payment under Subsection (c) is authorized, even if the amortization period for the unfunded actuarial liabilities of the retirement system exceeds 30 years by one or more years, only if the board of trustees determines that at the time of the supplemental payment the payment can be made while preserving the ability of the retirement system to meet at least 80 percent of the system's pension obligations.

(e) The funding for a one-time supplemental payment under Subsection (c) must come from the earnings the retirement system makes on its investments as provided by this subsection. The supplemental payment may be made at any time during the period beginning October 1, 2011, and ending December 31, 2013, only if, during the preceding fiscal year, the return on investments, as provided by the actuarial valuation on August 31 of that year, exceeds eight percent by an amount sufficient to pay for the supplemental payment. Subsections (c) and (d) and this subsection expire January 1, 2014.

SECTION ____ .03. Section 825.402, Government Code, is amended by adding Subsection (c-1) to read as follows:

(c-1) Subsection (c) does not apply to a supplemental payment authorized by Sections 821.006(c), (d), and (e). This subsection expires January 1, 2014.

SECTION ____ .04. (a) The Teacher Retirement System of Texas shall make a one-time supplemental payment of a retirement or death benefit, as provided by Section 821.006, Government Code, as amended by this article, and this section.

(b) The supplemental payment is payable not later than December 31, 2013, and, to the extent practicable, on a date or dates that coincide with the regular annuity payment payable to each eligible annuitant.

(c) The amount of the supplemental payment is equal to the lesser of:

- (1) the gross amount of the regular annuity payment to which the eligible annuitant is otherwise entitled for the month of August 2011; or
- (2) \$2,400.

(d) The supplemental payment is payable without regard to any forfeiture of benefits under Section 824.601, Government Code. The Teacher Retirement System of Texas shall make applicable tax withholding and other legally required deductions before disbursing the supplemental payment. A supplemental payment under this section is in addition to and not in lieu of the regular monthly annuity payment to which the eligible annuitant is otherwise entitled.

(e) Subject to Subsection (f) of this section, to be eligible for the supplemental payment, a person must be, for the month of August 2011, and disregarding any forfeiture of benefits under Section 824.601, Government Code, an annuitant eligible to receive:

- (1) a standard retirement annuity payment;
- (2) an optional retirement annuity payment as either a retiree or beneficiary;
- (3) a life annuity payment under Section 824.402(a)(4), Government Code;
- (4) an annuity for a guaranteed period of 60 months under Section 824.402(a)(3), Government Code; or
- (5) an alternate payee annuity payment under Section 804.005, Government Code.

(f) If the annuitant is a retiree or a beneficiary under an optional retirement payment plan, to be eligible for the supplemental payment, the effective date of the retirement of the member of the Teacher Retirement System of Texas must have been on or before December 31, 2008. If the annuitant is a beneficiary under Section 824.402(a)(3) or (4), Government Code, to be eligible for the supplemental payment, the date of death of the member of the retirement system must have been on or before December 31, 2008. The supplemental payment shall be made to an alternate payee who is an annuitant under Section 804.005, Government Code, only if the annuity payment to the alternate payee commenced on or before December 31, 2008. The supplemental payment is in addition to the guaranteed number of payments under Section 824.402(a)(3), 824.204(c)(3) or (4), or 824.308(c)(3) or (4), Government Code, and may not be counted as one of the guaranteed monthly payments.

(g) The supplemental payment does not apply to payments under:

- (1) Section 824.304(a), Government Code, relating to disability retirees with less than 10 years of service credit;
- (2) Section 824.804(b), Government Code, relating to participants in the deferred retirement option plan with regard to payments from their deferred retirement option plan accounts;
- (3) Section 824.501(a), Government Code, relating to retiree survivor beneficiaries who receive a survivor annuity in an amount fixed by statute; or
- (4) Section 824.404(a), Government Code, relating to active member survivor beneficiaries who receive a survivor annuity in an amount fixed by statute.

(h) Except as provided by this section, the board of trustees of the Teacher Retirement System of Texas shall determine the eligibility for and the amount and timing of a supplemental payment and the manner in which the payment is made.

SECTION ____ .05. This article takes effect October 1, 2011.

Amendment No. 94 was adopted by (Record 39): 138 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycok; Beck; Berman; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover;

Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Turner; Villarreal; Vo; Weber; White; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Burnam; Hancock; Walle; Woolley.

Absent, Excused, Committee Meeting — Bonnen; Truitt.

Absent — Allen; King, P.; Morrison; Veasey.

STATEMENTS OF VOTE

When Record No. 39 was taken, I was excused to attend a meeting of the Committee on Calendars. I would have voted yes.

Bonnen

When Record No. 39 was taken, I was excused to attend a meeting of the Committee on Calendars. I would have voted yes.

Truitt

When Record No. 39 was taken, I was in the house but away from my desk. I would have voted yes.

Veasey

Amendment No. 95

Representative Brown offered the following amendment to **CSSB 1**:

Floor Packet Page No. 303

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . ADVERTISING ON STATE ELECTRONIC INTERNET PORTALS

SECTION ____ .01. Subchapter C, Chapter 2054, Government Code, is amended by adding Section 2054.064 to read as follows:

Sec. 2054.064. ADVERTISING ON STATE ELECTRONIC INTERNET PORTALS. (a) In this section:

(1) "Department" means the Department of Information Resources or a successor agency.

(2) "State agency" means any department, board, commission, or other agency in the executive branch of state government, including the office of the governor. The term does not include an institution of higher education, as defined by Section 61.003, Education Code.

(b) In accordance with rules adopted by the department and to the extent allowed under federal law:

(1) a state agency shall contract with a private entity to lease advertising space on the agency's official electronic Internet portal; and

(2) the department shall contract with a private entity by awarding a 10-year license to the entity to lease advertising space on the official electronic Internet portal for the State of Texas.

(c) The department shall develop a standard contract for the lease of advertising space on an electronic Internet portal under this section. The standard contract developed by the department must include terms that:

(1) provide for the payment of a fee by the person leasing the advertising space in an amount set by department rule; and

(2) require the advertisements to comply with the rules adopted by the department relating to content and composition.

(d) The department shall adopt rules to implement this section. The rules must establish:

(1) guidelines relating to the content and composition of advertisements that may be placed on an electronic Internet portal;

(2) procedures for procuring advertisements that relate, to the greatest extent practicable, to the stated purpose of the state agency;

(3) policies that require:

(A) each advertisement to be clearly labeled on the electronic Internet portal as an advertisement; and

(B) a disclaimer on each electronic Internet portal that clearly states that the State of Texas does not endorse the products or services advertised on the state agency electronic Internet portal;

(4) a schedule of fees to be charged for the lease of advertising space under this section; and

(5) the amount of the lease payment that a private entity may retain for administering the lease contract.

(e) A private entity administering a lease under this section shall collect the fees due from the leasing entity. After deduction of the private entity's fees, the remainder of the fees collected under this section shall be forwarded to the comptroller to be deposited to the credit of the foundation school fund.

(f) Before entering into a contract under this section, a state agency or the department must evaluate:

(1) the effect of the contract on the bandwidth that the agency or the department requires to perform its official duties; and

(2) whether the contract increases vulnerability to malware or other potential threats to the security of the electronic Internet portal or computer network.

(g) Except as provided by Subsection (h), using the results of the evaluation required under Subsection (f), a state agency or the department shall develop and implement a plan to ensure that state electronic Internet portals and computer networks are secure and that sufficient bandwidth is available to host the advertising required under the contract and to allow for performance of official duties. The plan must include provisions to:

(1) prevent inappropriate content on electronic Internet portals and computer networks associated with this state;

(2) efficiently route data used by the agency or the department to perform its official duties;

(3) manage and reduce the quantity of bandwidth used by the agency or the department; and

(4) ensure the continued security and integrity of electronic Internet portals, computer networks, and confidential and sensitive data associated with this state.

(h) A state agency or the department may accept free or discounted services to assist in performing the evaluation and planning requirements under Subsections (f) and (g) from a provider designated as qualified by the department. The department shall maintain a list of qualified providers on the department's electronic Internet portal.

(i) A state agency or the department is not required to implement a plan developed under Subsection (g) if:

(1) money appropriated to the agency or the department may not be lawfully spent for the purposes of this section; or

(2) the agency or the department determines that the cost of implementing the plan will exceed the income received from a contract under this section.

Amendment No. 96

Representative Brown offered the following amendment to Amendment No. 95:

Amend Amendment No. 95 by Brown to **CSSB 1** (page 303 of the prefiled amendment packet - barcode no. 825224) as follows:

(1) On page 1 of the amendment, line 2, strike "ARTICLE" and substitute "ARTICLES".

(2) On page 1 of the amendment, between lines 4 and 5, insert the following:

ARTICLE ____ SECURITY TECHNOLOGY

SECTION ____ .01. Subchapter C, Chapter 2054, Government Code, is amended by adding Section 2054.061 to read as follows:

Sec. 2054.061. SECURITY TECHNOLOGY. (a) In this section, "cyber assets" includes privileged interfaces.

(b) The department shall provide to a state agency technology that secures the consoles of cyber assets under all conditions regardless of the operating state or operating mode of the cyber asset.

(c) The technology provided under Subsection (b) must:

(1) automatically capture and retain records of all actions taken by users, including privileged users, over the consoles of cyber assets; and

(2) provide reporting and audit management for security, regulatory, and compliance purposes.

(d) In addition to any other use authorized by law, revenue collected from the fees authorized under Section 2054.2591(a), as added by Chapter 1260 (HB 2048), Acts of the 79th Legislature, Regular Session, 2005, may be used to implement this section.

SECTION ____.02. Not later than October 31, 2011, the Department of Information Technologies shall provide the technology required by Section 2054.061, Government Code, as added by this article.

Amendment No. 96 was adopted.

Amendment No. 95, as amended, was adopted.

(L. Taylor in the chair)

Amendment No. 97

Representative Gallego offered the following amendment to **CSSB 1**:

Floor Packet Page No. 307

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ COST-EFFICIENCY SUGGESTIONS AND IDEAS FOR STATE AGENCIES

SECTION ____.01. Subchapter F, Chapter 2054, Government Code, is amended by adding Section 2054.1266 to read as follows:

Sec. 2054.1266. POSTING OF COST-EFFICIENCY SUGGESTIONS AND IDEAS ON STATE AGENCY WEBSITE. (a) In this section, "state agency" does not include an institution of higher education, as defined by Section 61.003, Education Code.

(b) Except as provided by Subsection (d), each state agency that has 1,500 or more employees shall post on the agency's intranet website or generally accessible Internet website an electronic form or link allowing an employee of the agency to submit suggestions and ideas on how to make the agency more cost-efficient.

(c) Except as provided by Subsection (d), each state agency shall post on the agency's generally accessible Internet website a link allowing members of the public to:

(1) monitor, in real time or on a weekly or monthly basis, submissions made under Subsection (b); and

(2) vote for the public's favorite submission.

(d) The department may exclude from the requirements of this section a state agency if the agency has a preexisting program or link that the department determines substantially meets the requirements of this section.

(e) The department shall adopt rules establishing procedures and required formats for implementing this section.

Amendment No. 98

Representative Gallego offered the following amendment to Amendment No. 97:

Amend Floor Amendment No. 97 by Gallego (page 307, prefiled amendments packet) as follows:

(1) In the recital to Section _____.01 of the added article (page 1, line 8) strike "Section 2054.1266" and substitute "Sections 2054.1266 and 2054.1267".

(2) At the end of Section _____.01 of the added article, immediately following added Section 2054.1266, Government Code, add the following:

Sec. 2054.1267. POSTING HIGH-VALUE DATA SETS ON INTERNET.

(a) In this section:

(1) "High-value data set" means information that can be used to increase state agency accountability and responsiveness, improve public knowledge of the agency and its operations, further the core mission of the agency, create economic opportunity, or respond to need and demand as identified through public consultation. The term does not include information that is confidential or protected from disclosure under state or federal law.

(2) "State agency" means a board, commission, office, department, or other agency in the executive, judicial, or legislative branch of state government. The term includes an institution of higher education as defined by Section 61.003, Education Code.

(b) Each state agency shall post on a generally accessible Internet website maintained by or for the agency each high-value data set created or maintained by the agency, if the agency:

(1) determines that, using existing resources, the agency can post the data set on the Internet website at no additional cost to the state;

(2) enters into a contract advantageous to the state under which the contractor posts the data set on the Internet website at no additional cost to the state; or

(3) receives a gift or grant specifically for the purpose of posting one or more of the agency's high-value data sets on the Internet website.

(c) A high-value data set posted by a state agency under this section must be raw data in open standard format that allows the public to search, extract, organize, and analyze the information.

(d) The web page on which a state agency's high-value data set is posted must:

(1) use the agency's Internet website home page address and include the uniform resource locator suffix "data"; and

(2) have a conspicuously displayed link on either the agency's Internet website home page or another intuitive location accessible from the agency's Internet website home page.

(e) A state agency may accept a gift or grant for the purpose of posting one or more of the agency's high-value data sets on an Internet website.

SECTION ____ .02. Chapter 322, Government Code, is amended by adding Section 322.0081 to read as follows:

Sec. 322.0081. BUDGET DOCUMENTS ONLINE. (a) The board shall post on the board's Internet website documents prepared by the board that are provided to a committee, subcommittee, or conference committee of either house of the legislature in connection with an appropriations bill.

(b) The board shall post a document to which this section applies as soon as practicable after the document is provided to a committee, subcommittee, or conference committee.

(c) The document must be downloadable and provide data in a format that allows the public to search, extract, organize, and analyze the information in the document.

(d) The requirement under Subsection (a) does not supersede any exceptions provided under Chapter 552.

(e) The board shall promulgate rules to implement the provisions of this section.

(Truitt now present)

Amendment No. 98 was adopted.

Amendment No. 97, as amended, was adopted.

Amendment No. 99

Representative Zerwas offered the following amendment to **CSSB 1**:

Floor Packet Page No. 308

Amend **CSSB 1** (house committee report) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . ABOLISHING STATE KIDS INSURANCE PROGRAM.

(a) Section 62.101, Health and Safety Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) A child who is the dependent of an employee of an agency of this state and who meets the requirements of Subsection (a) may be eligible for health benefits coverage in accordance with 42 U.S.C. Section 1397jj(b)(6) and any other applicable law or regulations.

(b) Sections 1551.159 and 1551.312, Insurance Code, are repealed.

(c) The State Kids Insurance Program operated by the Employees Retirement System of Texas is abolished on the effective date of this Act. The Health and Human Services Commission shall:

(1) establish a process in cooperation with the Employees Retirement System of Texas to facilitate the enrollment of eligible children in the child health plan program established under Chapter 62, Health and Safety Code, on or before the date those children are scheduled to stop receiving dependent child coverage under the State Kids Insurance Program; and

(2) modify any applicable administrative procedures to ensure that children described by this subsection maintain continuous health benefits coverage while transitioning from enrollment in the State Kids Insurance Program to enrollment in the child health plan program.

Amendment No. 99 was adopted.

Amendment No. 100

Representative Christian offered the following amendment to **CSSB 1**:
Floor Packet Page No. 314

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . STATE FUNDING FOR CERTAIN MEDICAL PROCEDURES

SECTION ____ .01. The heading to Subchapter M, Chapter 285, Health and Safety Code, is amended to read as follows:

SUBCHAPTER M. REGULATION [PROVISION] OF SERVICES

SECTION ____ .02. Subchapter M, Chapter 285, Health and Safety Code, is amended by adding Section 285.202 to read as follows:

Sec. 285.202. USE OF TAX REVENUE FOR ABORTIONS; EXCEPTION FOR MEDICAL EMERGENCY. (a) In this section, "medical emergency" means a condition exists that, in a physician's good faith clinical judgment, complicates the medical condition of the pregnant woman and necessitates the immediate abortion of her pregnancy to avert her death or to avoid a serious risk of substantial impairment of a major bodily function.

(b) Except in the case of a medical emergency, a hospital district created under general or special law that uses tax revenue of the district to finance the performance of an abortion may not receive state funding.

(c) A physician who performs an abortion in a medical emergency at a hospital or other health care facility owned or operated by a hospital district that receives state funds 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.

(d) The statement required under Subsection (c)(1) shall be placed in the patient's medical records and shall be kept by the hospital or other health care facility where the abortion is performed until:

(1) the seventh anniversary of the date the abortion is performed; or

(2) if the pregnant woman is a minor, the later of:

(A) the seventh anniversary of the date the abortion is performed;

or

(B) the woman's 21st birthday.

(e) A hospital district created by general or special law that receives state funding may not:

(1) make a charitable donation or financial contribution from tax revenue of the district to an organization, agency, or entity that provides or refers for abortion or abortion-related services; or

(2) contract or affiliate with other organizations, agencies, or entities that provide or refer for abortion or abortion related services.

Amendment No. 100 - Point of Order

Representative D. Howard raised a point of order against further consideration of Amendment No. 100 under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.

The chair overruled the point of order.

Amendment No. 101

Representatives Hughes, Eissler, Gooden, Paxton, Parker, Bonnen, Zedler, Burkett, Scott, L. Taylor, T. Smith, Harper-Brown, Cain, Laubenberg, Legler, S. Miller, Murphy, P. King, Christian, C. Anderson, Sheffield, Isaac, Sheets, Cook, Weber, Huberty, Orr, Brown, C. Howard, Hardcastle, Beck, Callegari, Darby, Jackson, Larson, Hopson, Lewis, Button, Creighton, W. Smith, L. Taylor, Harless, Driver, Hamilton, Workman, Otto, Hancock, Chisum, Carter, R. Anderson, Patrick, Flynn, J. Davis, Hilderbran, Nash, Ritter, Berman, Madden, Lavender, Perry, Garza, Landtroop, Smithee, Phillips, Kleinschmidt, Peña, Shelton, Quintanilla, and Lozano offered the following amendment to Amendment No. 100:

Amend Amendment No. 100 by Christian to **CSSB 1** (page 314 of the prefiled amendment packet) as follows:

(1) Strike added Section 285.202(a), Health and Safety Code (page 1, lines 13-18 of the amendment), and substitute:

(a) In this section, "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.

(2) In added Section 285.202(e)(1), Health and Safety Code (page 2, line 18 of the amendment), strike "or abortion-related services".

(3) In added Section 285.202(e)(2), Health and Safety Code (page 2, lines 20-21 of the amendment), strike "or abortion related services".

Amendment No. 101 was adopted.

Amendment No. 100 - Point of Order

Representative Rodriguez raised a point of order against further consideration of Amendment No. 100.

The chair overruled the point of order.

Amendment No. 100 - Point of Order

Representative Naishtat raised a point of order against further consideration of Amendment No. 100 under Rule 8, Section 3 of the House Rules on the grounds that the amendment violates the one subject rule.

The chair overruled the point of order.

Amendment No. 100, as amended, was adopted by (Record 40): 102 Yeas, 38 Nays, 2 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eiland; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Guillen; Hamilton; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lozano; Lyne; Madden; Margo; Martinez; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, V.; Torres; Truitt; Weber; White; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Farias; Farrar; Giddings; Gonzales, V.; Gonzalez; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; Lucio; Mallory Caraway; Marquez; Martinez Fischer; McClendon; Menendez; Miles; Naishtat; Oliveira; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker; Taylor, L.(C).

Absent, Excused — Bohac; Burnam; Hancock; Walle; Woolley.

Absent, Excused, Committee Meeting — Bonnen.

Absent — Gallego; Lewis.

STATEMENT OF VOTE

When Record No. 40 was taken, I was temporarily out of the house chamber. I would have voted yes.

Lewis

Amendment No. 102

Representative Hardcastle offered the following amendment to **CSSB 1**:

Floor Packet Page No. 316

Amend Section 771, Health and Safety Code, as follows:

SECTION 1. Section 771.001, Health and Safety Code, is amended by deleting Subsection (4), and by renumbering Subsections (5) through (13) as Subsections (4) through (12), respectively.

SECTION 2. Section 771.001, Health and Safety Code, is further amended by amending Subsection (12) and adding a new Subsection (13), to read as follows:

(12) "Wireless telecommunications connection" means any voice-capable wireless communication mobile station [assigned a number containing an area code assigned to Texas by the North American Numbering Plan Administrator that connects a wireless service provider to the local exchange] that is provided to a customer by a wireless service provider.

(13) "Service provider" means a local exchange service provider, a wireless service provider, and any other provider of local exchange access lines or equivalent local exchange access lines.

SECTION 3. Subsection (e) of Section 771.071, Health and Safety Code, is amended to read as follows:

(e) A [~~local exchange~~] service provider shall collect the fees imposed on its customers under this section. Not later than the 30th day after the last day of the month in which the fees are collected, the [~~local exchange~~] service provider shall deliver the fees to the comptroller. The comptroller shall deposit money from the fees to the credit of the 9-1-1 services fee account in the general revenue fund. The comptroller may establish alternative dates for payment of fees under this section, provided that the required payment date be no earlier than the 30th day after the last day of the reporting period in which the fees are collected.

SECTION 4. Subsections (a) through (e) of Section 771.072, Health and Safety Code, are amended to read as follows:

(a) [~~In~~] On and after September 1, 2011, in addition to the [fee] fees imposed under [Section] Sections 771.071 and 771.0711, the commission shall impose a 9-1-1 equalization surcharge on each [customer receiving intrastate long distance service, including customers in an area served by an emergency communication district, even if the district is not participating in the regional plan] local exchange access line or equivalent local exchange access line, and each wireless telecommunications connection. The surcharge may not be imposed on a line to coin-operated public telephone equipment or to public telephone equipment operated by coin or by card reader. The surcharge may also not be imposed on any line that the commission excluded from the definition of a local exchange access line or an equivalent local exchange access line pursuant to Section 771.063. The surcharge may also not be imposed on any wireless telecommunications connection that constitutes prepaid wireless telecommunications service subject to Section 771.0712.

(b) The ~~[amount of the surcharge may not exceed one and three tenths of one percent of the charges for intrastate long distance service, as defined by the commission]~~ surcharge shall be a fixed amount, not to exceed 10 cents per month for each local exchange access line or equivalent local exchange access line, or wireless telecommunications connection.

(c) Except as provided by Section 771.073(f), ~~[an intrastate long distance]~~ each service provider shall collect the surcharge imposed on its customers under this section and shall deliver the surcharges to the comptroller not later than the date specified by the comptroller, provided that the required payment date be no earlier than the 30th day after the last day of the reporting period in which the surcharge is collected. If the comptroller does not specify a date, the provider shall deliver the surcharges to the comptroller not later than the 30th day after the last day of the month in which the surcharges are collected.

(d) From the revenue received from the surcharge imposed under this section, not more than 40 percent of the amount derived from the application of the surcharge ~~[at a rate of not more than .5 percent]~~ shall be allocated to regional planning commissions or other public agencies designated by the regional planning commissions for use in carrying out the regional plans provided for by this chapter. The allocations to the regional planning commissions are not required to be equal, but should be made to carry out the policy of this chapter to implement 9-1-1 service statewide. Money collected under this section may be allocated to an emergency communication district regardless of whether the district is participating in the applicable regional plan.

(e) From the revenue received from the surcharge imposed by this section, not more than 60 percent of the amount derived from the application of the surcharge ~~[at a rate of not more than .8 percent]~~ shall be periodically allocated to fund grants awarded under Section 777.009 and other activities related to the poison control centers as required by Chapter 777.

SECTION 5. A new subsection (e) is added to Section 771.0725, Health and Safety Code, to read as follows:

(e) With respect to the equalization surcharge imposed under Section 771.072, the commission shall establish the rate as of September 1, 2011, and not more than once every state fiscal biennium thereafter, so that the aggregate of the surcharges collected from all customers for the next 12 months is not expected to exceed the aggregate of the surcharges collected from all customers during the preceding 12 months. Any change in the equalization surcharge rate shall be made effective not earlier than 90 days after notice of such change is provided by the commission to service providers.

SECTION 6. Subsection (a) of Section 771.073, Health and Safety Code, is amended to read as follows:

(a) A customer on which a fee or surcharge is imposed under this subchapter is liable for the fee or surcharge in the same manner as the customer is liable for the charges for services provided by the service provider. The service provider shall collect the fees and surcharges in the same manner it collects those charges for service, except that the service provider is not required to take legal action to enforce the collection of the fees or surcharges. ~~[A]~~ Other than the fee

imposed under section 771.0712, a fee or surcharge imposed under this subchapter must either be stated separately on the customer's bill, or combined into an appropriately labeled single line item on the customer's bill with all other fees and surcharges that are imposed under this subchapter or that are imposed for a 9-1-1 emergency service by a political subdivision. A service provider that combines such fees and surcharges into a single line for billing purposes shall maintain books and records reflecting the collection of each fee and surcharge.

SECTION 7. Subsection (3) of Section 771.0735, Health and Safety Code, is amended to read as follows:

(3) the fee and the surcharge imposed on wireless telecommunications bills shall be administered in accordance with Section 151.061, Tax Code.

SECTION 8. This Act takes effect September 1, 2011.

Amendment No. 102 was adopted.

Amendment No. 103

Representative Guillen offered the following amendment to **CSSB 1**:

Floor Packet Page No. 322

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS accordingly:

ARTICLE ____ . REGULATION OF SUBDIVISIONS IN COUNTIES

SECTION ____ .01. If the Texas Water Development Board determines that a county is not complying with the changes in law made by this article, the board may withhold funds authorized under Section 15.407, Water Code, or Subchapter P, Chapter 15, Water Code, or Subchapter K, Chapter 17, Water Code, on or after the effective date of this Act until the county demonstrates compliance.

SECTION ____ .02. Section 232.0031, Local Government Code, is amended to read as follows:

Sec. 232.0031. STANDARD FOR ROADS IN SUBDIVISION. A county may not impose under Section 232.003 a higher standard for streets or roads in a subdivision than the county imposes on itself for the construction of new streets or roads with a similar type and amount of traffic.

SECTION ____ .03. Section 232.022(d), Local Government Code, is amended to read as follows:

(d) This subchapter does not apply if all [~~each~~] of the lots of the subdivision are more than [~~is~~] 10 [~~or more~~] acres.

SECTION ____ .04. Section 232.023, Local Government Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) A subdivider of land must have a plat of the subdivision prepared if at least one of the lots of the subdivision is five acres or less. A commissioners court by order may require each subdivider of land to prepare a plat if at least one of the lots of a subdivision is more than five acres but not more than 10 acres.

(a-1) A subdivision of a tract under this section ~~[subsection]~~ includes a subdivision of real property by any method of conveyance, including a contract for deed, oral contract, contract of sale, or other type of executory contract, regardless of whether the subdivision is made by using a metes and bounds description.

SECTION ____ .05. Section 232.033, Local Government Code, is amended by amending Subsections (a) and (h) and adding Subsections (a-1), (a-2), (a-3), (a-4), and (a-5) to read as follows:

(a) Brochures, publications, ~~and~~ advertising of any form, and earnest money contracts relating to ~~[subdivided]~~ land required to be platted under this subchapter:

(1) may not contain any misrepresentation; ~~and~~
(2) except for a for-sale sign posted on the property that is no larger than three feet by three feet, must accurately describe the availability of water and sewer service facilities and electric and gas utilities; and

(3) if a plat for the land has not been finally approved and recorded, must include a notice that:

(A) subject to Subsection (a-1), a contract for the sale of any portion of the land may not be entered into until the land receives final plat approval under Section 232.024; and

(B) the land may not be possessed or occupied until:

(i) the land receives final plat approval under Section 232.024;
and

(ii) all water and sewer service facilities for the lot are connected or installed in compliance with the model rules adopted under Section 16.343, Water Code.

(a-1) This subsection applies in addition to other applicable law and prevails to the extent of a conflict with that other law. This subsection applies only to a person who is a seller or subdivider and who is a licensed, registered, or otherwise credentialed residential mortgage loan originator under applicable state law, federal law, and the Nationwide Mortgage Licensing System and Registry. A person may, before a plat has been finally approved and recorded for the land:

(1) enter into an earnest money contract with a potential purchaser and accept payment under the contract in an amount of \$250 or less; and

(2) advertise in accordance with this section.

(a-2) An earnest money contract entered into under Subsection (a-1) is void if the plat for the land has not been finally approved and recorded before the 91st day after the date the earnest money contract is signed by the potential purchaser, unless the potential purchaser agrees in writing to extend the period for plat approval and recording for an additional 90-day period. Only one extension may be granted under this subsection.

(a-3) If an earnest money contract is void under Subsection (a-2), the seller shall refund all earnest money paid to the potential purchaser not later than the 30th day after the date the earnest money contract becomes void under Subsection (a-2). If the seller fails to refund the earnest money to the potential purchaser in violation of this subsection, the potential purchaser, in a suit to

recover the earnest money, may recover an amount equal to three times the amount of the earnest money required to be refunded, plus reasonable attorney's fees.

(a-4) Before entering into an earnest money contract with a potential purchaser and before a plat has been finally approved and recorded for the land as permitted under Subsection (a-1), a person must provide written notice to the attorney general and to the local government responsible for approving the plat. The notice must include:

(1) a statement of intent to enter into an earnest money contract under Subsection (a-1);

(2) a legal description of the land to be included in the subdivision;

(3) each county in which all or part of the subdivision is located; and

(4) the number of proposed individual lots to be included in the subdivision.

(a-5) The attorney general may adopt rules regarding the notice to be provided under Subsection (a-4).

(h) A person who is a seller of lots for which a plat is required under this subchapter [in a subdivision], or a subdivider or an agent of a seller or subdivider, commits an offense if the person knowingly authorizes or assists in the publication, advertising, distribution, or circulation of any statement or representation that the person knows is false concerning any [subdivided] land offered for sale or lease. An offense under this section is a Class A misdemeanor.

SECTION ____ .06. Subchapter B, Chapter 232, Local Government Code, is amended by adding Section 232.0375 to read as follows:

Sec. 232.0375. NOTICE AND OPPORTUNITY TO CURE REQUIRED BEFORE FILING ENFORCEMENT ACTION. (a) Before a civil enforcement action may be filed against a subdivider under this subchapter, the subdivider must be notified in writing about the general nature of the alleged violation and given 90 days from the notification date to cure the violation. After the 90th day after the date of the notification, the enforcement action may proceed.

(b) This section does not apply to a civil enforcement action if the attorney general, district attorney, or county attorney asserts that:

(1) an alleged violation or threatened violation poses a threat to a consumer or to the health and safety of any person; or

(2) a delay in bringing an enforcement action may result in financial loss or increased costs to any person, including the county.

(c) This section does not apply if an enforcement action has previously been filed against the subdivider for the same or another alleged violation.

(d) This section does not apply to an action filed by a private individual.

SECTION ____ .07. Subchapter B, Chapter 232, Local Government Code, is amended by adding Section 232.045 to read as follows:

Sec. 232.045. EARNEST MONEY CONTRACTS. (a) An earnest money contract entered into under Section 232.033(a-1) must contain the following statement:

"NOTICE: THIS IS AN EARNEST MONEY CONTRACT ONLY. THE MAXIMUM AMOUNT THAT THE SELLER MAY COLLECT UNDER THIS CONTRACT IS \$250. THE SELLER MAY NOT DEMAND ANY ADDITIONAL PAYMENT UNTIL A PLAT OF THE SUBDIVISION HAS BEEN APPROVED."

(b) An earnest money contract entered into under Section 232.033(a-1) must contain the notice required by Section 232.033.

SECTION __.08. Section 232.072, Local Government Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) The owner of a tract of land that divides the tract in any manner that creates lots of five acres or less intended for residential purposes must have a plat of the subdivision prepared. A commissioners court by order may require each subdivider of land to prepare a plat if at least one of the lots of a subdivision is more than five acres but not more than 10 acres.

(a-1) A subdivision of a tract under this section includes a subdivision of real property by any method of conveyance, including a contract for deed, oral contract, contract of sale, or other type of executory contract, regardless of whether the subdivision is made by using a metes and bounds description.

SECTION __.09. Subchapter C, Chapter 232, Local Government Code, is amended by adding Sections 232.0805 and 232.0806 to read as follows:

Sec. 232.0805. NOTICE AND OPPORTUNITY TO CURE REQUIRED BEFORE FILING ENFORCEMENT ACTION. (a) In this section, "subdivider" has the meaning assigned by Section 232.021.

(b) Before a civil enforcement action may be filed against a subdivider under this subchapter, the subdivider must be notified in writing about the general nature of the alleged violation and given 90 days from the notification date to cure the violation. After the 90th day after the date of the notification, the enforcement action may proceed.

(c) This section does not apply to a civil enforcement action if the attorney general, district attorney, or county attorney asserts that:

(1) an alleged violation or threatened violation poses a threat to a consumer or to the health and safety of any person; or

(2) a delay in bringing an enforcement action may result in financial loss or increased costs to any person, including the county.

(d) This section does not apply if an enforcement action has previously been filed against the subdivider for the same or another alleged violation.

(e) This section does not apply to an action filed by a private individual.

Sec. 232.0806. SUIT BY PRIVATE PERSON IN ECONOMICALLY DISTRESSED AREA. A person who has purchased or is purchasing a lot in a subdivision for residential purposes that does not have water and sewer services as required by this subchapter and is located in an economically distressed area, as defined by Section 17.921, Water Code, from a subdivider may bring suit in the district court in which the property is located or in a district court in Travis County to:

(1) declare the sale of the property void, require the subdivider to return the purchase price of the property, and recover from the subdivider:

(A) the market value of any permanent improvements the person placed on the property;

(B) actual expenses incurred as a direct result of the failure to provide adequate water and sewer facilities;

(C) court costs; and

(D) reasonable attorney's fees; or

(2) enjoin a violation or threatened violation of Section 232.072, require the subdivider to plat or amend an existing plat under Sections 232.011 and 232.081, and recover from the subdivider:

(A) actual expenses incurred as a direct result of the failure to provide adequate water and sewer facilities;

(B) court costs; and

(C) reasonable attorney's fees.

SECTION ____ .10. Section 16.343(g), Water Code, is amended to read as follows:

(g) Before an application for funds under Section 15.407 or Subchapter P, Chapter 15, or Subchapter K, Chapter 17, may be considered by the board, if the area for which the funds are proposed to be used is located:

(1) in a municipality, the municipality must adopt the model rules pursuant to this section;

(2) in the extraterritorial jurisdiction of a municipality, the applicant must demonstrate that the model rules have been adopted and are enforced in the extraterritorial jurisdiction by either the municipality or the county; or

(3) outside the extraterritorial jurisdiction of a municipality, the county must adopt the model rules pursuant to this section [a political subdivision must adopt the model rules pursuant to this section. If the applicant is a district, nonprofit water supply corporation, or colonia, the applicant must be located in a city or county that has adopted such rules. Applicants for funds under Section 15.407 or Subchapter P, Chapter 15, or Subchapter K, Chapter 17, may not receive funds under those provisions unless the applicable political subdivision adopts and enforces the model rules].

SECTION ____ .11. Subchapter J, Chapter 16, Water Code, is amended by adding Section 16.3541 to read as follows:

Sec. 16.3541. NOTICE AND OPPORTUNITY TO CURE REQUIRED BEFORE FILING ENFORCEMENT ACTION. (a) In this section, "subdivider" has the meaning assigned by Section 232.021, Local Government Code.

(b) Before a civil enforcement action may be filed against a subdivider under this subchapter, the subdivider must be notified in writing about the general nature of the alleged violation and given 90 days from the notification date to cure the violation. After the 90th day after the date of the notification, the enforcement action may proceed.

(c) This section does not apply to a civil enforcement action if the attorney general, district attorney, or county attorney asserts that:

(1) an alleged violation or threatened violation poses a threat to a consumer or to the health and safety of any person; or

(2) a delay in bringing an enforcement action may result in financial loss or increased costs to any person, including the county.

(d) This section does not apply if an enforcement action has previously been filed against the subdivider for the same or another alleged violation.

SECTION ____ .12. Section 232.021(9), Local Government Code, is repealed.

SECTION ____ .13. The changes in law made by this article to Sections 232.022, 232.023, 232.033, and 232.072, Local Government Code, apply only to a subdivision plat application submitted for approval on or after the effective date of this Act. A subdivision plat application submitted for approval before the effective date of this Act is governed by the law in effect when the application was submitted, and the former law is continued in effect for that purpose.

SECTION ____ .14. This article applies only to an enforcement action filed on or after the effective date of this Act. An enforcement action filed before the effective date of this Act is governed by the law as it existed when the action was filed, and the former law is continued in effect for that purpose.

Amendment No. 103 - Point of Order

Representative Anchia raised a point of order against further consideration of Amendment No. 103.

The point of order was withdrawn.

Amendment No. 103 was withdrawn.

Amendment No. 104

Representative Guillen offered the following amendment to **CSSB 1**:
Floor Packet Page No. 332

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . DEVELOPMENT CORPORATION PROJECTS

SECTION ____ .01. Subchapter C, Chapter 501, Local Government Code, is amended by adding Section 501.108 to read as follows:

Sec. 501.108. PROJECTS RELATED TO COMMUNITY LIBRARIES. In this subtitle, "project" includes the land, buildings, equipment, facilities, improvements, and expenditures that are found by the board of directors to be required or suitable for the development, operation, or expansion of community libraries.

Amendment No. 104 - Point of Order

Representative Otto raised a point of order against further consideration of Amendment No. 104.

The chair sustained the point of order.

The ruling precluded further consideration of Amendment No. 104.

Amendment No. 105

Representative Castro offered the following amendment to **CSSB 1**:

Floor Packet Page No. 333

Amend **CSSB 1** (house committee report) by adding the following appropriately numbered ARTICLE to the bill and renumbering existing ARTICLES and SECTIONS of the bill accordingly:

**ARTICLE ____ . EMPLOYMENT SERVICES PROGRAM FOR CERTAIN
CHILD SUPPORT OBLIGORS**

SECTION ____ .01. Subtitle B, Title 4, Labor Code, is amended by adding Chapter 314 to read as follows:

**CHAPTER 314. EMPLOYMENT SERVICES PROGRAM FOR CERTAIN
CHILD SUPPORT OBLIGORS**

Sec. 314.001. DEFINITIONS. In this chapter:

(1) "Nonrecipient parent" has the meaning assigned by Section 31.0021, Human Resources Code.

(2) "Obligor" has the meaning assigned by Section 101.022, Family Code.

(3) "Title IV-D agency" has the meaning assigned by Section 101.033, Family Code.

(4) "Title IV-D case" has the meaning assigned by Section 101.034, Family Code.

Sec. 314.002. PROGRAM. (a) **The commission and the Title IV-D agency jointly shall develop and administer an employment services program to provide eligible child support obligors with assistance in obtaining employment so that the obligors may satisfy their child support obligations. The program shall:**

(1) provide an eligible obligor employment services similar to those services provided to a recipient or nonrecipient parent under Chapter 31, Human Resources Code; and

(2) direct eligible obligors, in appropriate cases, to local workforce development boards for skills assessment, job training, job placement, and job monitoring.

(b) A referral of an eligible obligor to employment services under this chapter may be made in conjunction with a referral by the Title IV-D agency under Section 231.117, Family Code.

Sec. 314.003. ELIGIBILITY. **The commission, in collaboration with the Title IV-D agency, by rule shall prescribe criteria for determining a child support obligor's eligibility to participate in the program. The criteria must include the requirement that a child support obligor be unemployed or underemployed.**

Sec. 314.004. REQUIRED PARTICIPATION BY CERTAIN OBLIGORS.
(a) On a determination by the Title IV-D agency that an obligor in a Title IV-D case who is eligible to participate in the program is delinquent in paying a child support obligation, the agency may request a court of competent jurisdiction to render an order requiring the obligor to participate in the program. In making requests under this subsection, the Title IV-D agency shall give priority to making

requests in regard to obligors who are the parent of a current or former recipient of financial assistance under Chapter 31, Human Resources Code, or medical assistance under Chapter 32, Human Resources Code.

(b) If the court orders an obligor to participate in the program, the commission shall:

(1) direct the obligor to an appropriate workforce development board for skills assessment, job training, job placement, and job monitoring; and

(2) monitor the obligor's participation in any required program activities.

(c) An obligor who fails to participate in the program as required by a court order shall be reported to the Title IV-D agency for the imposition of any penalty authorized by law.

Sec. 314.005. FUNDING. The commission may allocate for the development, implementation, and administration of the program any money available to the commission through the grant provided under Section 403, Social Security Act (42 U.S.C. Section 603), and may use any other federal or state funds available for that purpose.

Sec. 314.006. RULES. The commission, in collaboration with the Title IV-D agency, shall adopt rules as necessary for the administration of this chapter, including rules:

(1) for directing eligible child support obligors to the employment services provided by the program; and

(2) prescribing the job monitoring and reporting requirements under the program.

SECTION ____ .02. As soon as practicable after the effective date of this article, the Texas Workforce Commission, in collaboration with the Title IV-D agency, shall adopt rules for the administration of Chapter 314, Labor Code, as added by this article.

Amendment No. 105 was adopted by (Record 41): 78 Yeas, 61 Nays, 3 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Button; Castro; Chisum; Coleman; Cook; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Garza; Geren; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hartnett; Hernandez Luna; Hochberg; Hopson; Howard, C.; Howard, D.; Jackson; Johnson; Keffer; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Lewis; Lozano; Lucio; Lyne; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Muñoz; Naishtat; Oliveira; Otto; Peña; Pitts; Quintanilla; Raymond; Reynolds; Rodriguez; Scott; Shelton; Smith, W.; Solomons; Strama; Thompson; Torres; Turner; Veasey; Villarreal; Vo; Weber; Workman.

Nays — Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Branch; Brown; Burkett; Cain; Callegari; Carter; Christian; Craddick; Creighton; Crownover; Darby; Eissler; Elkins; Fletcher; Flynn; Frullo; Gonzales, L.; Gooden; Hamilton; Harless; Harper-Brown; Hilderbran; Huberty; Hughes; Hunter; Isaac; King, P.; King, S.; Landtroop; Laubenberg; Lavender; Legler;

Madden; Miller, S.; Morrison; Murphy; Nash; Orr; Parker; Paxton; Perry; Phillips; Price; Riddle; Ritter; Schwertner; Sheets; Sheffield; Simpson; Smith, T.; Smithee; Taylor, V.; Truitt; White; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Patrick; Taylor, L.(C).

Absent, Excused — Bohac; Burnam; Hancock; Walle; Woolley.

Absent, Excused, Committee Meeting — Bonnen.

Absent — Hardcastle; Pickett.

STATEMENT OF VOTE

I was shown voting yes on Record No. 41. I intended to vote no.

Garza

(Bonnen now present)

Amendment No. 106

Representative Naishtat offered the following amendment to **CSSB 1**:
Floor Packet Page No. 336

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered article to the bill and renumbering subsequent articles and sections accordingly:

ARTICLE ____ GUARDIANSHIP MATTERS AND PROCEEDINGS

SECTION ____ .01. Section 612, Texas Probate Code, is amended to read as follows:

Sec. 612. APPLICATION FOR TRANSFER OF GUARDIANSHIP TO ANOTHER COUNTY. When a guardian or any other person desires to transfer [~~remove~~] the transaction of the business of the guardianship from one county to another, the person shall file a written application in the court in which the guardianship is pending stating the reason for the transfer [~~moving the transaction of business~~].

SECTION ____ .02. Section 613(a), Texas Probate Code, is amended to read as follows:

(a) On filing an application to transfer [~~remove~~] a guardianship to another county, the sureties on the bond of the guardian shall be cited by personal service to appear and show cause why the application should not be granted.

SECTION ____ .03. Sections 614, 615, 616, 617, and 618, Texas Probate Code, are amended to read as follows:

Sec. 614. COURT ACTION. (a) On hearing an application under Section 612 of this code, if good cause is not shown to deny the application and it appears that transfer [~~removal~~] of the guardianship is in the best interests of the ward, the court shall enter an order authorizing the transfer [~~removal~~] on payment on behalf of the estate of all accrued costs.

(b) In an order entered under Subsection (a) of this section, the court shall require the guardian, not later than the 20th day after the date the order is entered, to:

(1) give a new bond payable to the judge of the court to which the guardianship is transferred; or

(2) file a rider to an existing bond noting the court to which the guardianship is transferred.

Sec. 615. TRANSFER OF RECORD. When an order of transfer ~~[removal]~~ is made under Section 614 of this code, the clerk shall record any unrecorded papers of the guardianship required to be recorded. On payment of the clerk's fee, the clerk shall transmit to the county clerk of the county to which the guardianship was ordered transferred ~~[removed]~~:

(1) the case file of the guardianship proceedings; and

(2) a certified copy of the index of the guardianship records.

Sec. 616. TRANSFER ~~[REMOVAL]~~ EFFECTIVE. The order transferring ~~[removing]~~ a guardianship does not take effect until:

(1) the case file and a certified copy of the index required by Section 615 of this code are filed in the office of the county clerk of the county to which the guardianship was ordered transferred ~~[removed]~~; and

(2) a certificate under the clerk's official seal and reporting the filing of the case file and a certified copy of the index is filed in the court ordering the transfer ~~[removal]~~ by the county clerk of the county to which the guardianship was ordered transferred ~~[removed]~~.

Sec. 617. CONTINUATION OF GUARDIANSHIP. When a guardianship is transferred ~~[removed]~~ from one county to another in accordance with this subpart, the guardianship proceeds in the court to which it was transferred ~~[removed]~~ as if it had been originally commenced in that court. It is not necessary to record in the receiving court any of the papers in the case that were recorded in the court from which the case was transferred ~~[removed]~~.

Sec. 618. NEW GUARDIAN APPOINTED ON TRANSFER ~~[REMOVAL]~~. If it appears to the court that transfer ~~[removal]~~ of the guardianship is in the best interests of the ward, but that because of the transfer ~~[removal]~~ it is not in the best interests of the ward ~~[will be unduly expensive or unduly inconvenient to the estate]~~ for the guardian of the estate to continue to serve in that capacity, the court may in its order of transfer ~~[removal]~~ revoke the letters of guardianship and appoint a new guardian, and the former guardian shall account for and deliver the estate as provided by this chapter in a case in which a guardian resigns.

SECTION ____ .04. Subpart B, Part 2, Chapter XIII, Texas Probate Code, is amended by adding Section 619 to read as follows:

Sec. 619. REVIEW OF TRANSFERRED GUARDIANSHIP. Not later than the 90th day after the date the transfer of the guardianship takes effect under Section 616 of this code, the court to which the guardianship was transferred shall hold a hearing to consider modifying the rights, duties, and powers of the guardian or any other provisions of the transferred guardianship.

SECTION ____ .05. Section 892, Texas Probate Code, is amended by amending Subsections (a) and (e) and adding Subsection (f-1) to read as follows:

(a) A guardian appointed by a foreign court to represent an incapacitated person who is residing in this state or intends to move to this state may file an application with a court in which the ward resides or intends to reside to have the guardianship transferred to the court. The application must have attached a certified copy of all papers of the guardianship filed and recorded in the foreign court.

(e) The ~~[On the court's own motion or on the motion of the ward or any interested person, the]~~ court shall hold a hearing to:

(1) consider the application for receipt and acceptance of a foreign guardianship; and

(2) consider modifying the administrative procedures or requirements of the proposed transferred guardianship in accordance with local and state law.

(f-1) At the time of granting an application for receipt and acceptance of a foreign guardianship, the court may also modify the administrative procedures or requirements of the transferred guardianship in accordance with local and state law.

SECTION ____ .06. Section 894(b), Texas Probate Code, is amended to read as follows:

(b) A court that delays further action in a guardianship proceeding under Subsection (a) of this section shall determine whether venue of the proceeding is more suitable in that court or in the foreign court. In making that determination, the court may consider:

(1) the interests of justice;

(2) the best interests of the ward or proposed ward; ~~and~~

(3) the convenience of the parties; and

(4) the preference of the ward or proposed ward, if the ward or proposed ward is 12 years of age or older.

SECTION ____ .07. Subpart G, Part 5, Chapter XIII, Texas Probate Code, is amended by adding Section 895 to read as follows:

Sec. 895. DETERMINATION OF MOST APPROPRIATE FORUM FOR CERTAIN GUARDIANSHIP PROCEEDINGS. (a) If at any time a court of this state determines that it acquired jurisdiction of a proceeding for the appointment of a guardian of the person or estate, or both, of a ward or proposed ward because of unjustifiable conduct, the court may:

(1) decline to exercise jurisdiction;

(2) exercise jurisdiction for the limited purpose of fashioning an appropriate remedy to ensure the health, safety, and welfare of the ward or proposed ward or the protection of the ward's or proposed ward's property or prevent a repetition of the unjustifiable conduct, including staying the proceeding until a petition for the appointment of a guardian or issuance of a protective order is filed in a court of another state having jurisdiction; or

(3) continue to exercise jurisdiction after considering:

(A) the extent to which the ward or proposed ward and all persons required to be notified of the proceedings have acquiesced in the exercise of the court's jurisdiction;

(B) whether the court of this state is a more appropriate forum than the court of any other state after considering the factors described by Section 894(b) of this code; and

(C) whether the court of any other state would have jurisdiction under the factual circumstances of the matter.

(b) If a court of this state determines that it acquired jurisdiction of a proceeding for the appointment of a guardian of the person or estate, or both, of a ward or proposed ward because a party seeking to invoke the court's jurisdiction engaged in unjustifiable conduct, the court may assess against that party necessary and reasonable expenses, including attorney's fees, investigative fees, court costs, communication expenses, witness fees and expenses, and travel expenses. The court may not assess fees, costs, or expenses of any kind against this state or a governmental subdivision, agency, or instrumentality of this state unless authorized by other law.

SECTION ____ .08. Section 893, Texas Probate Code, is repealed.

SECTION ____ .09. Sections 612, 613, 614, 615, 616, 617, and 618, Texas Probate Code, as amended by this article, and Section 619, Texas Probate Code, as added by this article, apply only to an application for the transfer of a guardianship to another county filed on or after the effective date of this Act. An application for the transfer of a guardianship to another county filed before the effective date of this Act is governed by the law in effect on the date the application was filed, and the former law is continued in effect for that purpose.

SECTION ____ .10. The changes in law made by this article to Sections 892 and 893, Texas Probate Code, apply only to an application for receipt and acceptance of a foreign guardianship filed on or after the effective date of this Act. An application for receipt and acceptance of a foreign guardianship filed before the effective date of this Act is governed by the law in effect on the date the application was filed, and the former law is continued in effect for that purpose.

SECTION ____ .11. Section 894, Texas Probate Code, as amended by this article, and Section 895, Texas Probate Code, as added by this article, apply only to a guardianship proceeding filed on or after the effective date of this Act. A guardianship proceeding filed before the effective date of this Act is governed by the law in effect on the date the proceeding was filed, and the former law is continued in effect for that purpose.

Amendment No. 106 - Point of Order

Representative Otto raised a point of order against further consideration of Amendment No. 106 under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.

The point of order was withdrawn.

Amendment No. 106 was withdrawn.

Amendment No. 107

Representative Guillen offered the following amendment to **CSSB 1**:

Floor Packet Page No. 342

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered SECTION to ARTICLE 4 of the bill and renumbering subsequent SECTIONS of ARTICLE 4 accordingly:

SECTION 4.____. Section 74.501(d), Property Code, is amended to read as follows:

(d) On receipt of a claim form and all necessary documentation and as may be appropriate under the circumstances, the comptroller may approve the claim of:

- (1) the reported owner of the property;
- (2) if the reported owner died testate:
 - (A) the appropriate legal beneficiaries of the owner as provided by the last will and testament of the owner that has been accepted into probate or filed as a muniment of title; or
 - (B) the executor of the owner's last will and testament who holds current letters testamentary;
- (3) if the reported owner died intestate:
 - (A) the legal heirs of the owner as provided by Section 38, Texas Probate Code; or
 - (B) the court-appointed administrator of the owner's estate;
- (4) the legal heirs of the reported owner as established by an affidavit of heirship order signed by a judge of the county probate court or by a county judge;
- (5) if the reported owner is a minor child or an adult who has been adjudged incompetent by a court of law, the parent or legal guardian of the child or adult;
- (6) if the reported owner is a corporation:
 - (A) the president or chair of the board of directors of the corporation, on behalf of the corporation; or
 - (B) any person who has legal authority to act on behalf of the corporation;
- (7) if the reported owner is a corporation that has been dissolved or liquidated:
 - (A) the sole surviving shareholder of the corporation, if there is only one surviving shareholder;
 - (B) the surviving shareholders of the corporation in proportion to their ownership of the corporation, if there is more than one surviving shareholder;
 - (C) the corporation's bankruptcy trustee; or
 - (D) the court-ordered receiver for the corporation; or
- (8) any other person that is entitled to receive the unclaimed property under other law or comptroller policy or rule.

Amendment No. 108

Representative Guillen offered the following amendment to Amendment No. 107:

Amend the Guillen amendment to **CSSB 1** (pages 342-343 of the prefiled amendment packet) on page 2, lines 16 and 17 of the amendment, in amended Section 74.501(d)(8), Property Code by striking "or rule" and substituting "including a person who submits a claim based on a declaratory judgment establishing that the person is an heir to an unconveyed mineral right in a land grant evidenced from a certificate, title, or patent from the Crown of Spain or from Mexico for which there has been mineral production and for which proceeds have been delivered to the comptroller under this chapter".

Amendment No. 108 was withdrawn.

Amendment No. 107 was adopted.

Amendment No. 109

Representative Naishtat offered the following amendment to **CSSB 1**:
Floor Packet Page No. 336

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered article to the bill and renumbering subsequent articles and sections accordingly:

ARTICLE ____ GUARDIANSHIP MATTERS AND PROCEEDINGS

SECTION ____ .01. Section 612, Texas Probate Code, is amended to read as follows:

Sec. 612. APPLICATION FOR TRANSFER OF GUARDIANSHIP TO ANOTHER COUNTY. When a guardian or any other person desires to transfer ~~remove~~ the transaction of the business of the guardianship from one county to another, the person shall file a written application in the court in which the guardianship is pending stating the reason for the transfer ~~moving the transaction of business~~.

SECTION ____ .02. Section 613(a), Texas Probate Code, is amended to read as follows:

(a) On filing an application to transfer ~~remove~~ a guardianship to another county, the sureties on the bond of the guardian shall be cited by personal service to appear and show cause why the application should not be granted.

SECTION ____ .03. Sections 614, 615, 616, 617, and 618, Texas Probate Code, are amended to read as follows:

Sec. 614. COURT ACTION. (a) On hearing an application under Section 612 of this code, if good cause is not shown to deny the application and it appears that transfer ~~removal~~ of the guardianship is in the best interests of the ward, the court shall enter an order authorizing the transfer ~~removal~~ on payment on behalf of the estate of all accrued costs.

(b) In an order entered under Subsection (a) of this section, the court shall require the guardian, not later than the 20th day after the date the order is entered, to:

(1) give a new bond payable to the judge of the court to which the guardianship is transferred; or

(2) file a rider to an existing bond noting the court to which the guardianship is transferred.

Sec. 615. TRANSFER OF RECORD. When an order of transfer ~~[removal]~~ is made under Section 614 of this code, the clerk shall record any unrecorded papers of the guardianship required to be recorded. On payment of the clerk's fee, the clerk shall transmit to the county clerk of the county to which the guardianship was ordered transferred ~~[removed]~~:

- (1) the case file of the guardianship proceedings; and
- (2) a certified copy of the index of the guardianship records.

Sec. 616. TRANSFER ~~[REMOVAL]~~ EFFECTIVE. The order transferring ~~[removing]~~ a guardianship does not take effect until:

(1) the case file and a certified copy of the index required by Section 615 of this code are filed in the office of the county clerk of the county to which the guardianship was ordered transferred ~~[removed]~~; and

(2) a certificate under the clerk's official seal and reporting the filing of the case file and a certified copy of the index is filed in the court ordering the transfer ~~[removal]~~ by the county clerk of the county to which the guardianship was ordered transferred ~~[removed]~~.

Sec. 617. CONTINUATION OF GUARDIANSHIP. When a guardianship is transferred ~~[removed]~~ from one county to another in accordance with this subpart, the guardianship proceeds in the court to which it was transferred ~~[removed]~~ as if it had been originally commenced in that court. It is not necessary to record in the receiving court any of the papers in the case that were recorded in the court from which the case was transferred ~~[removed]~~.

Sec. 618. NEW GUARDIAN APPOINTED ON TRANSFER ~~[REMOVAL]~~. If it appears to the court that transfer ~~[removal]~~ of the guardianship is in the best interests of the ward, but that because of the transfer ~~[removal]~~ it is not in the best interests of the ward ~~[will be unduly expensive or unduly inconvenient to the estate]~~ for the guardian of the estate to continue to serve in that capacity, the court may in its order of transfer ~~[removal]~~ revoke the letters of guardianship and appoint a new guardian, and the former guardian shall account for and deliver the estate as provided by this chapter in a case in which a guardian resigns.

SECTION ____ .04. Subpart B, Part 2, Chapter XIII, Texas Probate Code, is amended by adding Section 619 to read as follows:

Sec. 619. REVIEW OF TRANSFERRED GUARDIANSHIP. Not later than the 90th day after the date the transfer of the guardianship takes effect under Section 616 of this code, the court to which the guardianship was transferred shall hold a hearing to consider modifying the rights, duties, and powers of the guardian or any other provisions of the transferred guardianship.

SECTION ____ .05. Section 892, Texas Probate Code, is amended by amending Subsections (a) and (e) and adding Subsection (f-1) to read as follows:

(a) A guardian appointed by a foreign court to represent an incapacitated person who is residing in this state or intends to move to this state may file an application with a court in which the ward resides or intends to reside to have the guardianship transferred to the court. The application must have attached a certified copy of all papers of the guardianship filed and recorded in the foreign court.

(e) ~~The [On the court's own motion or on the motion of the ward or any interested person, the]~~ court shall hold a hearing to:

(1) consider the application for receipt and acceptance of a foreign guardianship; and

(2) consider modifying the administrative procedures or requirements of the proposed transferred guardianship in accordance with local and state law.

(f-1) At the time of granting an application for receipt and acceptance of a foreign guardianship, the court may also modify the administrative procedures or requirements of the transferred guardianship in accordance with local and state law.

SECTION ____ .06. Section 894(b), Texas Probate Code, is amended to read as follows:

(b) A court that delays further action in a guardianship proceeding under Subsection (a) of this section shall determine whether venue of the proceeding is more suitable in that court or in the foreign court. In making that determination, the court may consider:

(1) the interests of justice;

(2) the best interests of the ward or proposed ward; ~~and~~

(3) the convenience of the parties; and

(4) the preference of the ward or proposed ward, if the ward or proposed ward is 12 years of age or older.

SECTION ____ .07. Subpart G, Part 5, Chapter XIII, Texas Probate Code, is amended by adding Section 895 to read as follows:

Sec. 895. DETERMINATION OF MOST APPROPRIATE FORUM FOR CERTAIN GUARDIANSHIP PROCEEDINGS. (a) If at any time a court of this state determines that it acquired jurisdiction of a proceeding for the appointment of a guardian of the person or estate, or both, of a ward or proposed ward because of unjustifiable conduct, the court may:

(1) decline to exercise jurisdiction;

(2) exercise jurisdiction for the limited purpose of fashioning an appropriate remedy to ensure the health, safety, and welfare of the ward or proposed ward or the protection of the ward's or proposed ward's property or prevent a repetition of the unjustifiable conduct, including staying the proceeding until a petition for the appointment of a guardian or issuance of a protective order is filed in a court of another state having jurisdiction; or

(3) continue to exercise jurisdiction after considering:

(A) the extent to which the ward or proposed ward and all persons required to be notified of the proceedings have acquiesced in the exercise of the court's jurisdiction;

(B) whether the court of this state is a more appropriate forum than the court of any other state after considering the factors described by Section 894(b) of this code; and

(C) whether the court of any other state would have jurisdiction under the factual circumstances of the matter.

(b) If a court of this state determines that it acquired jurisdiction of a proceeding for the appointment of a guardian of the person or estate, or both, of a ward or proposed ward because a party seeking to invoke the court's jurisdiction engaged in unjustifiable conduct, the court may assess against that party necessary and reasonable expenses, including attorney's fees, investigative fees, court costs, communication expenses, witness fees and expenses, and travel expenses. The court may not assess fees, costs, or expenses of any kind against this state or a governmental subdivision, agency, or instrumentality of this state unless authorized by other law.

SECTION ____ .08. Section 893, Texas Probate Code, is repealed.

SECTION ____ .09. Sections 612, 613, 614, 615, 616, 617, and 618, Texas Probate Code, as amended by this article, and Section 619, Texas Probate Code, as added by this article, apply only to an application for the transfer of a guardianship to another county filed on or after the effective date of this Act. An application for the transfer of a guardianship to another county filed before the effective date of this Act is governed by the law in effect on the date the application was filed, and the former law is continued in effect for that purpose.

SECTION ____ .10. The changes in law made by this article to Sections 892 and 893, Texas Probate Code, apply only to an application for receipt and acceptance of a foreign guardianship filed on or after the effective date of this Act. An application for receipt and acceptance of a foreign guardianship filed before the effective date of this Act is governed by the law in effect on the date the application was filed, and the former law is continued in effect for that purpose.

SECTION ____ .11. Section 894, Texas Probate Code, as amended by this article, and Section 895, Texas Probate Code, as added by this article, apply only to a guardianship proceeding filed on or after the effective date of this Act. A guardianship proceeding filed before the effective date of this Act is governed by the law in effect on the date the proceeding was filed, and the former law is continued in effect for that purpose.

Amendment No. 109 was adopted. (Phillips and V. Taylor recorded voting no.)

Amendment No. 110

Representative Giddings offered the following amendment to **CSSB 1**:
Floor Packet Page No. 349

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . REGISTRATION OF OUT-OF-STATE PROFESSIONAL ATHLETES

SECTION ____ .01. Subtitle B, Title 13, Occupations Code, is amended by adding Chapter 2053 to read as follows:

CHAPTER 2053. REGISTRATION OF OUT-OF-STATE
PROFESSIONAL ATHLETES

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 2053.001. DEFINITIONS. In this chapter:

(1) "Commission" means the Texas Commission of Licensing and Regulation.

(2) "Department" means the Texas Department of Licensing and Regulation.

(3) "Out-of-state professional sports team" means a major national sports team that plays its home games in another state. The term includes the major sports teams affiliated with the National Football League, the National Basketball Association, the National Hockey League, Major League Baseball, Major League Soccer, and the teams of any other sports association specified by commission rule. The term does not include a farm team that provides players to a major national sports team.

(4) "Professional athlete" means a person who receives compensation for participation as a member of a sports team.

Sec. 2053.002. RULES. The commission shall adopt the rules necessary to administer this chapter.

[Sections 2053.003-2053.050 reserved for expansion]

SUBCHAPTER B. REGISTRATION OF PROFESSIONAL ATHLETES

Sec. 2053.051. REGISTRATION REQUIRED. A professional athlete employed by or under contract with an out-of-state professional sports team must hold a certificate of registration issued under this chapter to engage in a professional sports competition in this state.

Sec. 2053.052. REGISTRATION APPLICATION; FEE. (a) An applicant for registration must file an application with the department on the form prescribed by the department.

(b) The application must be accompanied by:

(1) a nonrefundable application fee in the amount set by the commission to cover the costs of processing an application under this section; and

(2) a registration fee of \$15,000.

Sec. 2053.053. ISSUANCE OF CERTIFICATE OF REGISTRATION. The department shall issue to an applicant who is eligible for registration the appropriate certificate of registration.

Sec. 2053.054. TERM OF CERTIFICATE OF REGISTRATION. A certificate of registration issued under Section 2053.053 expires on the first anniversary of the date of issuance.

Sec. 2053.055. RENEWAL OF CERTIFICATE OF REGISTRATION. (a) The department shall issue to an eligible registrant a certificate of renewal of registration on the timely receipt of a renewal fee in the amount specified by Section 2053.052 for an initial registration.

(b) The certificate expires on the first anniversary of the date of issuance.

Amendment No. 111

Representative Giddings offered the following amendment to Amendment No. 110:

Amend Amendment No. 110 by Giddings (pages 349 and 350 of the prefiled amendment packet) as follows:

(1) On page 2, line 13, of the amendment, strike "\$15,000" and substitute "in an amount not to exceed \$15,000, determined by the commission as an appropriate amount for the applicant based on the average compensation received by a professional athlete who participates in the sport the applicant plays".

(2) On page 2, following line 26, insert the following:

Sec. 2053.056. USE OF REGISTRATION FEES. Fees received under Section 2053.052 may only be used as follows:

(1) the first \$500,000 in each state fiscal year is transferred to The University of Texas at Dallas to fund a summer scholarship program offered to entering freshmen; and

(2) the balance of fees received under Section 2053.052 after the use provided by Subdivision (1) is transferred to the foundation school fund.

Amendment No. 111 was adopted.

Amendment No. 110, as amended, failed of adoption by (Record 42): 32 Yeas, 102 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Callegari; Castro; Coleman; Davis, Y.; Dukes; Dutton; Farias; Giddings; Guillen; Gutierrez; Hernandez Luna; Johnson; Marquez; Martinez Fischer; McClendon; Menendez; Miles; Naishtat; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Villarreal; Vo.

Nays — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Button; Cain; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Deshotel; Driver; Eiland; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gonzalez; Gooden; Hamilton; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, V.; Torres; Truitt; Weber; White; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Taylor, L.(C).

Absent, Excused — Bohac; Burnam; Hancock; Walle; Woolley.

Absent — Farrar; Gallego; Gonzales, V.; Hochberg; Howard, D.; Lucio; Mallory Caraway; Martinez; Veasey.

STATEMENT OF VOTE

When Record No. 42 was taken, I was in the house but away from my desk. I would have voted yes.

Veasey

Amendment No. 112

Representative Menendez offered the following amendment to **CSSB 1**:
Floor Packet Page No. 356

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering the subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____, AD VALOREM TAXATION OF LOW-INCOME OR MODERATE-INCOME HOUSING

SECTION ____.01. Section 11.182(a), Tax Code, is amended by adding Subdivision (3) to read as follows:

(3) "Control" means having the power to manage, direct, superintend, restrict, regulate, govern, or oversee.

SECTION ____.02. Section 11.182, Tax Code, is amended by adding Subsections (a-1), (b-1), and (b-2) to read as follows:

(a-1) An organization is considered to own property for purposes of this section and the provisions of Section 2, Article VIII, Texas Constitution, authorizing the legislature by general law to exempt from taxation property owned by an institution engaged primarily in performing public charitable functions, if the organization has legal or equitable title to the property.

(b-1) Notwithstanding Subsection (b) or (e), an owner of real property that is not an organization described by that subsection is entitled to an exemption from taxation of property under this section if the property otherwise qualifies for the exemption and the owner is:

(1) a limited partnership of which an organization that meets the requirements of Subsection (b) controls 100 percent of the general partner interest; or

(2) an entity the parent of which is an organization that meets the requirements of Subsection (b).

(b-2) A reference in this section to an organization includes an entity described by Subsection (b) or (b-1). For purposes of this section, an organization that is entitled to an exemption under Subsection (b-1) shall be treated as an organization that is entitled to an exemption under Subsection (b).

SECTION ____.03. Section 11.1825, Tax Code, is amended by amending Subsection (a) and adding Subsections (a-1) and (a-2) to read as follows:

(a) In this section, "control" means having the power to manage, direct, superintend, restrict, regulate, govern, or oversee.

(a-1) An organization is considered to own property for purposes of this section and the provisions of Section 2, Article VIII, Texas Constitution, authorizing the legislature by general law to exempt from taxation property owned by an institution engaged primarily in performing public charitable functions, if the organization has legal or equitable title to the property.

(a-2) An organization is entitled to an exemption from taxation of real property owned by the organization that the organization constructs or rehabilitates and uses to provide housing to individuals or families meeting the income eligibility requirements of this section.

SECTION ____ .04. This article may not be construed to permit a refund of ad valorem taxes paid before the effective date of this article on property determined to be eligible for an exemption under Section 11.182 or 11.1825, Tax Code, as amended by this article.

SECTION ____ .05. This article applies only to ad valorem taxes imposed for a tax year beginning on or after the effective date of this article.

SECTION ____ .06. This article takes effect January 1, 2013.

Amendment No. 112 was withdrawn.

Amendment No. 113

Representative Kleinschmidt offered the following amendment to **CSSB 1**:

Floor Packet Page No. 363

Amend **CSSB 1** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____ . (a) Section 23.51(7), Tax Code, is amended to read as follows:

(7) "Wildlife management" means:

(A) actively using land that at the time the wildlife-management use began was appraised as qualified open-space land under this subchapter or as qualified timber land under Subchapter E in at least three of the following ways to propagate a sustaining breeding, migrating, or wintering population of indigenous wild animals for human use, including food, medicine, or recreation:

- (i) habitat control;
- (ii) erosion control;
- (iii) predator control;
- (iv) providing supplemental supplies of water;
- (v) providing supplemental supplies of food;
- (vi) providing shelters; ~~and~~
- (vii) making of census counts to determine population; and
- (viii) supporting outdoor education;

(B) actively using land to protect federally listed endangered species under a federal permit if the land is:

(i) included in a habitat preserve and is subject to a conservation easement created under Chapter 183, Natural Resources Code; or

(ii) part of a conservation development under a federally approved habitat conservation plan that restricts the use of the land to protect federally listed endangered species; or

(C) actively using land for a conservation or restoration project to provide compensation for natural resource damages pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. Section 9601 et seq.), the Oil Pollution Act of 1990 (33 U.S.C. Section 2701 et seq.), the Federal Water Pollution Control Act (33 U.S.C. Section 1251 et seq.), or Chapter 40, Natural Resources Code.

(b) This section applies only to the appraisal of land for ad valorem tax purposes for a tax year that begins on or after the effective date of this section.

(c) This section takes effect January 1, 2012.

Amendment No. 114

Representative Chisum offered the following amendment to Amendment No. 113:

Amend Amendment No. 113 by Kleinschmidt on page 363 to **CSSB 1** (house committee printing) by adding the following appropriately numbered item to the amendment and renumbering the subsequent items of the amendment accordingly:

() Add the following appropriately numbered ARTICLE to the bill and renumber the subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . SUPPORT FOR HABITAT PROTECTION MEASURES

SECTION ____ .01. Chapter 403, Government Code, is amended by adding Subchapter Q to read as follows:

SUBCHAPTER Q. SUPPORT FOR HABITAT PROTECTION MEASURES

Sec. 403.451. DEFINITIONS. In this subchapter,

(1) "Candidate species" means a species identified by the U.S. Department of Interior as appropriate for listing as threatened or endangered;

(2) "Candidate conservation plan" means a plan to implement such actions as necessary for the conservation of one or more candidate species or species likely to become a candidate species in the near future; and

(3) "Endangered species," "federal permit," "habitat conservation plan," and "mitigation fee" have the meanings assigned by Section 83.011, Parks and Wildlife Code.

Sec. 403.452. COMPTROLLER POWERS AND DUTIES. (a) To promote compliance with federal law protecting endangered species and candidate species in a manner consistent with this state's economic development and fiscal stability, the comptroller may:

(1) develop or coordinate the development of a habitat conservation plan or candidate conservation plan;

(2) apply for and hold a federal permit issued in connection with a habitat conservation plan or candidate conservation plan developed by the comptroller or the development of which is coordinated by the comptroller;

(3) enter into an agreement for the implementation of a candidate conservation plan with the United States Department of the Interior or assist another entity in entering into such an agreement;

(4) establish the Habitat Protection Fund, to be held by the comptroller outside the treasury, to be used to support the development or coordination of the development of a habitat conservation plan, a candidate conservation plan, or to pay the costs of monitoring or administering the implementation of such a plan;

(5) impose or provide for the imposition of a mitigation fee in connection with a habitat conservation plan or such fees as is necessary or advisable for a candidate conservation plan developed by the comptroller or the development of which is coordinated by the comptroller; and

(6) implement, monitor, or support the implementation of a habitat conservation plan or candidate conservation plan developed by the comptroller or the development of which is coordinated by the comptroller.

(b) The comptroller may solicit and accept appropriations, fees under this subchapter, gifts, or grants from any public or private source, including the federal government, this state, a public agency, or a political subdivision of this state, for deposit to the credit of the fund established under this section.

(c) The legislature finds that expenditures described by Subsection (a)(4) serve public purposes, including economic development in this state.

(d) The comptroller may establish a nonprofit corporation or contract with a third party to perform one or more of the comptroller's functions under this section.

Sec. 403.453. STATE AGENCY POWERS AND DUTIES. (a) Upon consideration of the factors identified in Subsection (b), the comptroller may designate one of the following agencies to undertake the functions identified in Subsections 403.452(a)(1), (2), (3), (5) or (6):

(1) the Agriculture Department;

(2) the Parks and Wildlife Department;

(3) the Department of Transportation;

(4) the State Soil and Water Conservation Board; or

(5) any agency receiving funds through Article VI (Natural Resources) of the 2012-2013 appropriations bill.

(b) In designating an agency pursuant to Subsection (a), the comptroller shall consider the following factors:

(1) the economic sectors impacted by the species of interest that will be included in the habitat conservation plan or candidate conservation plan;

(2) the identified threats to the species of interest; and

(3) the location of the species of interest.

(c) The comptroller may enter into a memorandum of understanding or interagency contract with any of the agencies listed in this section to implement this subchapter and to provide for the use of the habitat protection fund.

Sec. 403.454. CONFIDENTIAL INFORMATION. Information collected under this subchapter by an agency, or an entity acting on the agency's behalf, from a private landowner or other participant or potential participant in a habitat conservation plan, proposed habitat conservation plan, candidate conservation

plan, or proposed candidate conservation plan is not subject to Chapter 552 and may not be disclosed to any person, including a state or federal agency, if the information relates to the specific location, species identification, or quantity of any animal or plant life for which a plan is under consideration or development or has been established under this section. The agency may disclose information described by this section only to the person who provided the information unless the person consents in writing to full or specified partial disclosure of the information.

Sec. 403.455. RULES. The comptroller or agencies identified in Sec. 403.453 may adopt rules as necessary for the administration of this subchapter.

Amendment No. 114 - Point of Order

Representative Villarreal raised a point of order against further consideration of Amendment No. 114.

The point of order was withdrawn.

Amendment No. 114 was withdrawn.

Amendment No. 113 was withdrawn.

Amendment No. 115

Representative Thompson offered the following amendment to **CSSB 1**:
Floor Packet Page No. 369

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLES to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ PURCHASES BY EXEMPT ORGANIZATIONS
DESCRIBED IN SECTION 151.310(a)(1) AND (a)(2), TAX CODE.

SECTION 1. Section 151.006, Tax Code, is amended by adding Subsections (c) and (d) to read as follows:

(c) Notwithstanding Section 151.310(c-2), an organization that qualifies for exemption under Section 151.310(a)(1) or (a)(2) may issue a resale certificate to a seller when acquiring a taxable item to be sold by the organization as part of a fundraising drive if the organization:

(1) acquires the taxable item for the purpose of reselling it at a tax-free sale or auction authorized by Section 151.310(c) or at a sale that is not tax-free;

(2) is identified on an invoice or receipt as the purchaser of the taxable item;

(3) pays a wholesale price stated on an invoice or receipt for the taxable item;

(4) bears the risk of loss with respect to the taxable item after the purchase; and

(5) is not contractually obligated to resell the taxable item at a price established by the person from whom the organization obtains the taxable item.

(d) An organization does not fail to meet the requirements of Subsection (c) solely because the organization:

(1) returns a taxable item to the person from whom the item was purchased in exchange for a refund of the purchase price; or

(2) resells a taxable item at a price suggested or recommended by the person from whom the item was purchased.

SECTION 2. Section 151.310, Tax Code, is amended by adding Subsections (c-2) and (c-3) to read as follows:

(c-2) For purposes of Subsection (c) of this section, an organization that qualifies for an exemption under Subsection (a)(1) or (a)(2) of this section may issue an exemption certificate to a seller when obtaining taxable items to be sold by the organization during a tax-free sale authorized under Subsection (c).

(c-3) The exemption in Subsection (c) of this section does not apply to the sale of a taxable item promoted by an organization described in Subsection (a)(1) or (a)(2) if the organization is acting as the agent of the person for whom the organization promotes the taxable item as provided under Section 151.024. Notwithstanding 151.024, an organization is not acting as an agent for purposes of this subsection if the organization purchases the taxable item in a transaction that qualifies as a sale for resale under Section 151.006(c).

SECTION 3. This article takes effect immediately if this Act receives a vote of two-thirds of all 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.

(2) Renumber ARTICLES of the bill appropriately.

Amendment No. 115 was adopted.

Amendment No. 116

Representatives Simpson, Farias, Berman, Eiland, Riddle, T. King, Flynn, Elkins, Quintanilla, Brown, Guillen, Harper-Brown, Jackson, Isaac, Sheets, R. Anderson, Murphy, Cain, Peña, Paxton, Lozano, Strama, Burkett, L. Taylor, Driver, Zedler, Fletcher, Hardcastle, C. Howard, Dutton, C. Anderson, W. Smith, Menendez, Torres, Workman, S. Davis, Aliseda, Reynolds, Hancock, Parker, Schwertner, Eissler, Chisum, Gooden, L. Gonzales, Raymond, T. Smith, and Johnson offered the following amendment to **CSSB 1**:

Floor Packet Page No. 372

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ SALES AND USE TAX EXEMPTION FOR CERTAIN
COINS AND PRECIOUS METALS

SECTION ____ .01. Section 151.336, Tax Code, is amended to read as follows:

Sec. 151.336. CERTAIN COINS AND PRECIOUS METALS. ~~[(a)]~~ The sale of gold, silver, or numismatic coins or of platinum, gold, or silver bullion is exempted from the taxes ~~[sales tax]~~ imposed by this chapter ~~[Subchapter C at any sale to a purchaser in which the total sales price of all of the items sold equals \$1,000 or more].~~

~~[(b) An item exempt under Subsection (a) is exempt from the use tax imposed by Subchapter D to the purchaser until the item is subsequently transferred.]~~

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 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.

(Speaker in the chair)

Amendment No. 116 was adopted.

Amendment No. 117

Representative Christian offered the following amendment to **CSSB 1**:
Floor Packet Page No. 377

Amend **CSSB 1** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION 1. Subchapter I, Chapter 151, Tax Code, is amended by adding Section 151.4292 to read as follows:

Sec. 151.4292. TAX REFUNDS FOR QUALIFIED DATA CENTERS. (a) In this section:

(1) "County average weekly wage" means the average weekly wage in a county for all jobs during the most recent four quarterly periods for which data is available, as computed by the Texas Workforce Commission, at the time a data center creates a job used to qualify under this section.

(2) "Data center" means a facility:

(A) located in this state on or after September 1, 2011;

(B) composed of one or more buildings specifically constructed or refurbished and actually used primarily to house servers and related equipment and support staff;

(C) used or to be used primarily by a business engaged in:

(i) data processing, hosting, and related services described by industry code 518210 of the North American Industry Classification System; or

(ii) an Internet activity described by industry code 519130 of the North American Industry Classification System; and

(D) that as an uninterruptible power source, a generator backup power, a sophisticated fire suppression and prevention system, and enhanced physical security that includes restricted access, permanent security guards, video surveillance, and electronic systems.

(3) "Permanent job" means an employment position that will exist for at least five years after the date the job is created.

(4) "Qualifying data center" means a data center that meets the qualifications prescribed by Subsection (d).

(5) "Qualifying job" means a full-time, permanent job that pays at least 150 percent of the county average weekly wage in the county in which the job is based.

(b) Except as provided by Subsection (c), a qualifying data center is entitled to receive a refund in the amount provided by this section of the taxes imposed by this chapter on tangible personal property purchased by the data center that is necessary to manage or operate the data center, including:

- (1) electricity;
- (2) an electrical system;
- (3) a cooling system;
- (4) an emergency generator;
- (5) hardware or a distributed mainframe computer or server;
- (6) a data storage device;
- (7) network connectivity equipment;
- (8) a peripheral component or system; and
- (9) a component part of tangible personal property described by

Subdivisions (2) - (8).

(c) This section does not apply to:

- (1) office equipment or supplies; or
- (2) equipment or supplies used in sales or distribution activities or in transportation activities.

(d) A data center is a qualifying data center for purposes of this section if the data center has:

- (1) created, on or after September 1, 2011, at least 25 qualifying jobs in the county in which the data center is located; and
- (2) invested, on or after September 1, 2011, at least \$100 million in the data center facility over a five-year period after initial construction of the data center facility.

(e) Beginning on the date a data center becomes a qualifying data center, the data center is entitled to receive a refund as provided by this section for the purchase of tangible personal property occurring on or after the date the center made the initial investment described by Subsection (d)(2) and before the 10th anniversary of that date.

(f) The amount of the refund authorized by this section with respect to the taxes imposed on the purchase of an item of tangible personal property to which this section applies is equal to the greater of:

- (1) an amount equal to the amount by which the taxes paid under this chapter exceed the amount of taxes that would have been imposed under this chapter on the purchase of the item if the rate of the tax imposed under this chapter were one percent; or
- (2) the amount by which the taxes paid under this chapter exceed \$80.

(g) To receive a refund as provided by this section, a data center must apply to the comptroller.

(h) The comptroller shall adopt rules necessary to implement this section, including rules relating to the:

- (1) qualification of a data center under this section;

(2) determination of the date a data center initially qualifies for a refund as provided by this section; and

(3) reporting and other procedures necessary to ensure that the qualifying data center complies with this section and remains entitled to receive a refund as provided by this section.

SECTION 2. The change in law made by this Act does not affect tax liability accruing before the effective date of this Act. That liability continues in effect as if this Act 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.

SECTION 3. This Act takes effect September 1, 2011.

Amendment No. 117 was adopted by (Record 43): 92 Yeas, 52 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Gonzales, L.; Gooden; Hamilton; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Perry; Phillips; Pitts; Price; Riddle; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Geren; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Hopson; Howard, D.; Johnson; King, S.; King, T.; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Peña; Pickett; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Burnam; Hancock; Walle; Woolley.

Amendment No. 118

Representative Kleinschmidt offered the following amendment to **CSSB 1**:
Floor Packet Page No. 363

Amend **CSSB 1** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) Section 23.51(7), Tax Code, is amended to read as follows:

(7) "Wildlife management" means:

(A) actively using land that at the time the wildlife-management use began was appraised as qualified open-space land under this subchapter or as qualified timber land under Subchapter E in at least three of the following ways to propagate a sustaining breeding, migrating, or wintering population of indigenous wild animals for human use, including food, medicine, or recreation:

- (i) habitat control;
- (ii) erosion control;
- (iii) predator control;
- (iv) providing supplemental supplies of water;
- (v) providing supplemental supplies of food;
- (vi) providing shelters; ~~and~~
- (vii) making of census counts to determine population; and
- (viii) supporting outdoor education;

(B) actively using land to protect federally listed endangered species under a federal permit if the land is:

- (i) included in a habitat preserve and is subject to a conservation easement created under Chapter 183, Natural Resources Code; or
- (ii) part of a conservation development under a federally approved habitat conservation plan that restricts the use of the land to protect federally listed endangered species; or

(C) actively using land for a conservation or restoration project to provide compensation for natural resource damages pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. Section 9601 et seq.), the Oil Pollution Act of 1990 (33 U.S.C. Section 2701 et seq.), the Federal Water Pollution Control Act (33 U.S.C. Section 1251 et seq.), or Chapter 40, Natural Resources Code.

(b) This section applies only to the appraisal of land for ad valorem tax purposes for a tax year that begins on or after the effective date of this section.

(c) This section takes effect January 1, 2012.

Amendment No. 119

Representative Chisum offered the following amendment to Amendment No. 118:

Amend Amendment No. 118 by Kleinschmidt to **CSSB 1** (house committee printing) by adding the following appropriately numbered item to the amendment and renumbering the subsequent items of the amendment accordingly:

() Add the following appropriately numbered ARTICLE to the bill and renumber the subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . SUPPORT FOR HABITAT PROTECTION MEASURES

SECTION ____ .01. Chapter 403, Government Code, is amended by adding Subchapter Q to read as follows:

SUBCHAPTER Q. SUPPORT FOR HABITAT PROTECTION MEASURES

Sec. 403.451. DEFINITIONS. In this subchapter,

(1) "Candidate species" means a species identified by the U.S. Department of Interior as appropriate for listing as threatened or endangered;

(2) "Candidate conservation plan" means a plan to implement such actions as necessary for the conservation of one or more candidate species or species likely to become a candidate species in the near future; and

(3) "Endangered species," "federal permit," "habitat conservation plan," and "mitigation fee" have the meanings assigned by Section 83.011, Parks and Wildlife Code.

Sec. 403.452. COMPTROLLER POWERS AND DUTIES. (a) To promote compliance with federal law protecting endangered species and candidate species in a manner consistent with this state's economic development and fiscal stability, the comptroller may:

(1) develop or coordinate the development of a habitat conservation plan or candidate conservation plan;

(2) apply for and hold a federal permit issued in connection with a habitat conservation plan or candidate conservation plan developed by the comptroller or the development of which is coordinated by the comptroller;

(3) enter into an agreement for the implementation of a candidate conservation plan with the United States Department of the Interior or assist another entity in entering into such an agreement;

(4) establish the habitat protection fund, to be held by the comptroller outside the treasury, to be used to support the development or coordination of the development of a habitat conservation plan, a candidate conservation plan, or to pay the costs of monitoring or administering in implementation of such a plan;

(5) impose or provide for the imposition of a mitigation fee in connection with a habitat conservation plan or such fees as is necessary or advisable for a candidate conservation plan developed by the comptroller or the development of which is coordinated by the comptroller; and

(6) implement, monitor, or support the implementation of a habitat conservation plan or candidate conservation plan developed by the comptroller or the development of which is coordinated by the comptroller.

(b) The comptroller may solicit and accept appropriations, fees under this subchapter, gifts, or grants from any public or private source, including the federal government, this state, a public agency, or a political subdivision of this state, for deposit to the credit of the fund established under this section.

(c) The legislature finds that expenditures described by Subsection (a)(4) serve public purposes, including economic development in this state.

(d) The comptroller may establish a nonprofit corporation or contract with a third party to perform one or more of the comptroller's functions under this section.

Sec. 403.453. STATE AGENCY POWERS AND DUTIES. (a) Upon consideration of the factors identified in Subsection (b), the comptroller may designate one of the following agencies to undertake the functions identified in Subsections 403.452(a)(1), (2), (3), (5) or (6):

(1) the Agriculture Department;

(2) the Parks and Wildlife Department;

(3) the Department of Transportation;

(4) the State Soil and Water Conservation Board; or

(5) any agency receiving funds through Article VI (Natural Resources) of the 2012-2013 appropriations bill.

(b) In designating an agency pursuant to Subsection (a), the comptroller shall consider the following factors:

(1) the economic sectors impacted by the species of interest that will be included in the habitat conservation plan or candidate conservation plan;

(2) the identified threats to the species of interest; and

(3) the location of the species of interest.

(c) The comptroller may enter into a memorandum of understanding or interagency contract with any of the agencies listed in this section to implement this subchapter and to provide for the use of the habitat protection fund.

Sec. 403.454. CONFIDENTIAL INFORMATION. Information collected under this subchapter by an agency, or an entity acting on the agency's behalf, from a private landowner or other participant or potential participant in a habitat conservation plan, proposed habitat conservation plan, candidate conservation plan, or proposed candidate conservation plan is not subject to Chapter 552 and may not be disclosed to any person, including a state or federal agency, if the information relates to the specific location, species identification, or quantity of any animal or plant life for which a plan is under consideration or development or has been established under this section. The agency may disclose information described by this section only to the person who provided the information unless the person consents in writing to full or specified partial disclosure of the information.

Sec. 403.455. RULES. The comptroller or agencies identified in Sec. 403.453 may adopt rules as necessary for the administration of this subchapter.

Amendment No. 119 was adopted.

Amendment No. 120

Representative S. Davis offered the following amendment to Amendment No. 118:

Amend the Kleinschmidt amendment to **CSSB 1** as follows by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 75.0021, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 75.0021. LIMITED LIABILITY OF CERTAIN PUBLIC UTILITIES.

(a) In this section:

(1) "Person" includes an individual as defined by Section 71.001.

(2) "Public utility" means:

(A) an electric utility as defined by Section 31.002, Utilities Code;

(B) a telecommunications provider as defined by Section 51.002,

Utilities Code;

(C) an electric cooperative as defined by Section 11.003, Utilities

Code;

(D) a gas utility as defined by Section 101.003 or 121.001, Utilities

Code; or

(E) a water and sewer utility as defined by Section 13.002, Water Code.

(b) A public utility that, as the owner, easement holder, occupant, or lessee of land, gives permission to a person to enter [signs an agreement with a municipality, county, or political subdivision to allow public access to or use of] the premises for recreation, exercise, education, relaxation, travel, or pleasure [by allowing the public access or use] does not by giving that permission:

(1) ensure that the premises are safe for recreation, exercise, education, relaxation, travel, or pleasure; or

(2) assume responsibility or incur any liability for:

(A) damages arising from or related to any bodily or other personal injury to or death of any person [beyond that provided by Chapter 75 of the Civil Practice and Remedies Code to a third party] who enters the premises for recreation, exercise, education, relaxation, travel, or pleasure or accompanies another person entering the premises for recreation, exercise, education, relaxation, travel, or pleasure;

(B) property damage sustained by any person who enters the premises for recreation, exercise, education, relaxation, travel, or pleasure or accompanies another person entering the premises for recreation, exercise, education, relaxation, travel, or pleasure; or

(C) an act of a third party that occurs on the premises, regardless of whether the act is intentional.

(c) Subsection (b) applies to any claim for damages, including a claim:

(1) alleging gross negligence;

(2) asserting the doctrine of attractive nuisance; or

(3) arising from contact of a person or property with power lines or exposure of a person or property to electric and magnetic fields [to the extent the municipality, county, or political subdivision purchases a general liability insurance policy in amounts required by Chapter 75 of the Civil Practice and Remedies Code insuring the public utility for liability arising from the condition of the premises for such recreational use].

(d) A public utility that, as the owner, easement holder, occupant, or lessee of land, allows the use of the premises for recreation, exercise, education, relaxation, travel, or pleasure shall post and maintain a clearly readable sign in a clearly visible location on or near the premises. The sign must contain the following warning language:

WARNING

TEXAS LAW (CHAPTER 75, CIVIL PRACTICE AND REMEDIES CODE) LIMITS THE LIABILITY OF A PUBLIC UTILITY FOR DAMAGES ARISING FROM THE USE OF THIS PROPERTY FOR RECREATION, EXERCISE, EDUCATION, RELAXATION, TRAVEL, OR PLEASURE.

(e) [(e)] This section applies only to a public utility located in[:

[(+) a county:

(1) with a population of 600,000 or more and located on the international border; [or]

(2) with a population of four million or more; or

(3) adjacent to a county with a population of four million or more [a municipal management district located in a municipality with a population of more than 1.9 million].

SECTION _____. Section 75.003(b), Civil Practice and Remedies Code, is amended to read as follows:

(b) Except as provided by Sections 75.0021(b) and (c), this [This] chapter does not affect the doctrine of attractive nuisance, except that the doctrine may not be the basis for liability of an owner, lessee, or occupant of agricultural land for any injury to a trespasser over the age of 16 years.

SECTION _____. Sections 75.0021 and 75.003(b), Civil Practice and Remedies Code, as amended by this Act, apply only to a cause of action that accrues on or after the effective date of this Act. A cause of action that accrues before the effective date of this Act is governed by the law in effect immediately before that date, and that law is continued in effect for that purpose.

Amendment No. 120 - Point of Order

Representative Y. Davis raised a point of order against further consideration of Amendment No. 120.

The point of order was withdrawn.

Amendment No. 120 was withdrawn.

Amendment No. 118, as amended, was adopted.

Amendment No. 121

Representative Thompson offered the following amendment to **CSSB 1**:
Floor Packet Page No. 381

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLES to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE _____. **FRANCHISE TAX APPLICABILITY AND EXCLUSIONS**

SECTION _____.01. Section 171.0001, Tax Code, is amended by adding Subdivisions (1-a), (10-a), (10-b), and (11-b) to read as follows:

(1-a) "Artist" means a natural person or an entity that contracts to perform or entertain at a live entertainment event.

(10-a) "Live entertainment event" means an event that occurs on a specific date to which tickets are sold in advance by a third-party vendor and at which:

(A) a natural person or a group of natural persons, physically present at the venue, performs for the purpose of entertaining a ticket holder who is present at the event;

(B) a traveling circus or animal show performs for the purpose of entertaining a ticket holder who is present at the event; or

(C) a historical, museum-quality artifact is on display in an exhibition.

(10-b) "Live event promotion services" means services related to the promotion, coordination, operation, or management of a live entertainment event. The term includes services related to:

(A) the provision of staff for the live entertainment event; or
(B) the scheduling and promotion of an artist performing or entertaining at the live entertainment event.

(11-b) "Qualified live event promotion company" means a taxable entity that:

(A) receives at least 50 percent of the entity's annual total revenue from the provision or arrangement for the provision of three or more live event promotion services;

(B) maintains a permanent nonresidential office from which the live event promotion services are provided or arranged;

(C) employs 10 or more full-time employees during all or part of the period for which taxable margin is calculated;

(D) does not provide services for a wedding or carnival; and

(E) is not a movie theater.

SECTION __.02. Section 171.1011, Tax Code, is amended by adding Subsections (g-5) and (g-7) to read as follows:

(g-5) A taxable entity that is a qualified live event promotion company shall exclude from its total revenue, to the extent included under Subsection (c)(1)(A), (c)(2)(A), or (c)(3), a payment made to an artist in connection with the provision of a live entertainment event or live event promotion services.

(g-7) A taxable entity that is a qualified courier and logistics company shall exclude from its total revenue, to the extent included under Subsection (c)(1)(A), (c)(2)(A), or (c)(3), subcontracting payments made by the taxable entity to nonemployee agents for the performance of delivery services on behalf of the taxable entity. For purposes of this subsection, "qualified courier and logistics company" means a taxable entity that:

(1) receives at least 80 percent of the taxable entity's annual total revenue from its entire business from a combination of at least two of the following courier and logistics services:

(A) expedited same-day delivery of an envelope, package, parcel, roll of architectural drawings, box, or pallet;

(B) temporary storage and delivery of the property of another entity, including an envelope, package, parcel, roll of architectural drawings, box, or pallet; and

(C) brokerage of same-day or expedited courier and logistics services to be completed by a person or entity under a contract that includes a contractual obligation by the taxable entity to make payments to the person or entity for those services;

(2) during the period on which margin is based, is registered as a motor carrier under Chapter 643, Transportation Code, and if the taxable entity operates on an interstate basis, is registered as a motor carrier or broker under the unified carrier registration system, as defined by Section 643.001, Transportation Code, during that period;

(3) maintains an automobile liability insurance policy covering individuals operating vehicles owned, hired, or otherwise used in the taxable entity's business, with a combined single limit for each occurrence of at least \$1 million;

(4) maintains at least \$25,000 of cargo insurance;

(5) maintains a permanent nonresidential office from which the courier and logistics services are provided or arranged;

(6) has at least five full-time employees during the period on which margin is based;

(7) is not doing business as a livery service, floral delivery service, motor coach service, taxicab service, building supply delivery service, water supply service, fuel or energy supply service, restaurant supply service, commercial moving and storage company, or overnight delivery service; and

(8) is not delivering items that the taxable entity or an affiliated entity sold.

SECTION ____03. This article applies only to a report originally due on or after January 1, 2012.

SECTION ____04. This article takes effect January 1, 2012.

Amendment No. 121 was adopted.

Amendment No. 122

Representative Gallego offered the following amendment to **CSSB 1**:

Floor Packet Page No. 383

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ FRANCHISE TAX LIABILITY OF CERTAIN TAXABLE ENTITIES

SECTION ____01. Subchapter A, Chapter 171, Tax Code, is amended by adding Section 171.0024 to read as follows:

Sec. 171.0024. TAX LIABILITY OF CERTAIN TAXABLE ENTITIES.

(a) In this section, "taxable income" means:

(1) for a taxable entity treated for federal income tax purposes as a corporation, the amount reportable as taxable income on line 30, Internal Revenue Service Form 1120;

(2) for a taxable entity treated for federal income tax purposes as a partnership, the amount reportable as ordinary business income or loss on line 22, Internal Revenue Service Form 1065; or

(3) for a taxable entity other than a taxable entity treated for federal income tax purposes as a corporation or partnership, an amount determined in a manner substantially equivalent to the amount for Subdivision (1) or (2) determined by rules the comptroller shall adopt.

(b) Except as provided by Subsection (c), a taxable entity is not required to pay any tax and is not considered to owe any tax for a period on which margin is based if the taxable entity's taxable income for the period is zero or less.

(c) Subsection (b) does not apply to a taxable entity that is a member of a combined group.

(d) Section 171.1011(a) applies to a reference in this section to an Internal Revenue Service form, and Section 171.1011(b) applies to a reference in this section to an amount reportable on a line number on an Internal Revenue Service form.

(e) The comptroller shall adopt rules as necessary to accomplish the legislative intent prescribed by this section.

SECTION ____ .02. Section 171.204(b), Tax Code, is amended to read as follows:

(b) The comptroller may require a taxable entity that does not owe any tax because of the application of Section 171.002(d)(2) to file an abbreviated information report with the comptroller stating the amount of the taxable entity's total revenue from its entire business. The comptroller may require a taxable entity that does not owe any tax because of the application of Section 171.0024 to file an abbreviated information report with the comptroller stating the amount of the taxable entity's taxable income as defined by that section. The comptroller may not require a taxable entity described by this subsection to file an information report that requires the taxable entity to report or compute its margin.

SECTION ____ .03. This article applies only to a report originally due on or after the effective date of this article.

SECTION ____ .04. This article takes effect January 1, 2012.

Amendment No. 122 was adopted by (Record 44): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Weber; White; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Burnam; Hancock; Walle; Woolley.

Absent — Driver; Martinez.

STATEMENT OF VOTE

I was shown voting yes on Record No. 44. I intended to vote no.

Carter

Amendment No. 123

Representative V. Taylor offered the following amendment to **CSSB 1**:

Floor Packet Page No. 385

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering the subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ FRANCHISE TAX EXCLUSION FOR CERTAIN CONTRACTUAL FLOW-THROUGH FUNDS

SECTION ____01. Section 171.1011(g), Tax Code, is amended to read as follows:

(g) A taxable entity shall exclude from its total revenue, to the extent included under Subsection (c)(1)(A), (c)(2)(A), or (c)(3), only the following flow-through funds that are mandated by contract to be distributed to other entities:

(1) sales commissions to nonemployees, including split-fee real estate commissions;

(2) the tax basis as determined under the Internal Revenue Code of securities underwritten; ~~and~~

(3) subcontracting payments handled by the taxable entity to provide services, labor, or materials in connection with the actual or proposed design, construction, remodeling, or repair of improvements on real property or the location of the boundaries of real property; and

(4) payments, excluding expenses for interest and depreciation, received by a landlord of commercial real property from a tenant of the property for ad valorem taxes, any tax or excise imposed on rents, general or special assessments or other taxes, building or property operating expenses, property or other insurance expenses, utility expenses, and maintenance expenses.

SECTION ____02. This article applies only to a report originally due on or after the effective date of this article.

SECTION ____03. This article takes effect January 1, 2012.

Amendment No. 123 was withdrawn.

Amendment No. 124

Representative V. Taylor offered the following amendment to **CSSB 1**:

Floor Packet Page No. 387

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering the subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . FRANCHISE TAX EXCLUSION FOR CERTAIN
CONTRACTUAL FLOW-THROUGH FUNDS

SECTION ____ .01. Section 171.1011(g), Tax Code, is amended to read as follows:

(g) A taxable entity shall exclude from its total revenue, to the extent included under Subsection (c)(1)(A), (c)(2)(A), or (c)(3), only the following flow-through funds that are mandated by contract to be distributed to other entities:

(1) sales commissions to nonemployees, including split-fee real estate commissions;

(2) the tax basis as determined under the Internal Revenue Code of securities underwritten; ~~and~~

(3) subcontracting payments handled by the taxable entity to provide services, labor, or materials in connection with the actual or proposed design, construction, remodeling, or repair of improvements on real property or the location of the boundaries of real property; and

(4) payments, excluding expenses for interest and depreciation, received by a landlord of commercial real property from a tenant of the property for ad valorem taxes, any tax or excise imposed on rents, general or special assessments or other taxes, building or property operating expenses, property or other insurance expenses, utility expenses, and maintenance expenses.

SECTION ____ .02. This article applies only to a report originally due on or after the effective date of this article.

SECTION ____ .03. This article takes effect January 1, 2012.

Representative Pitts moved to table Amendment No. 124.

The motion to table prevailed by (Record 45): 102 Yeas, 40 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Aycock; Beck; Berman; Brown; Burkett; Button; Castro; Coleman; Cook; Craddick; Crownover; Darby; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Gutierrez; Hamilton; Hardcastle; Harless; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, D.; Huberty; Hunter; Jackson; Johnson; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Lewis; Lozano; Lucio; Lyne; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Miles; Miller, D.; Morrison; Muñoz; Naishtat; Nash; Oliveira; Otto; Parker; Patrick; Pickett; Pitts; Price; Quintanilla; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smithee; Strama; Taylor, L.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Weber; Zerwas.

Nays — Anderson, C.; Anderson, R.; Bonnen; Branch; Cain; Callegari; Carter; Chisum; Christian; Creighton; Davis, J.; Elkins; Geren; Guillen; Harper-Brown; Howard, C.; Hughes; Isaac; Keffer; King, P.; King, T.; Landtroop;

Laubenberg; Lavender; Madden; Miller, S.; Murphy; Orr; Paxton; Peña; Perry; Phillips; Raymond; Simpson; Smith, W.; Solomons; Taylor, V.; White; Workman; Zedler.

Present, not voting — Mr. Speaker(C); Legler.

Absent, Excused — Bohac; Burnam; Hancock; Walle; Woolley.

Absent — Menendez.

STATEMENT OF VOTE

I was shown voting yes on Record No. 45. I intended to vote no.

Parker

Amendment No. 125

Representative Torres offered the following amendment to **CSSB 1**:

Floor Packet Page No. 389

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ MIXED BEVERAGE TAX REIMBURSEMENTS

SECTION ____ .01. Effective September 1, 2013, Section 183.051(b), Tax Code, is amended to read as follows:

(b) The comptroller shall issue to each county described in Subsection (a) a warrant drawn on the general revenue fund in an amount appropriated by the legislature that may not be less [~~greater~~] than 10.7143 percent of receipts from permittees within the county during the quarter and shall issue to each incorporated municipality described in Subsection (a) a warrant drawn on that fund in an amount appropriated by the legislature that may not be less [~~greater~~] than 10.7143 percent of receipts from permittees within the incorporated municipality during the quarter.

Amendment No. 125 was adopted.

Amendment No. 126

Representative Eiland offered the following amendment to **CSSB 1**:

Floor Packet Page No. 390

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering the subsequent SECTIONS of the bill appropriately:

SECTION ____ . Section 313.007, Tax Code, is amended to read as follows:

Sec. 313.007. EXPIRATION. Subchapters B, C, and D expire December 31, 2016 [~~2014~~].

Amendment No. 126 was adopted. (White recorded voting no.)

Amendment No. 127

Representative Villarreal offered the following amendment to **CSSB 1**:

Floor Packet Page No. 396

Amend **CSSB 1** by adding the following appropriately numbered ARTICLE to read as follows and renumbering subsequent ARTICLES accordingly:

ARTICLE _____. High-Cost Natural Gas Tax Exemption.

(a) Section 201.057, Tax Code, is amended by adding Subsection (e-1) to read as follows:

(e-1) Each month, the commission shall certify the average closing price of gas during the previous three months based on various price indices available to producers. The commission shall publish certifications under this subsection in the Texas Register. Notwithstanding any other provision of this section, the commission may not certify that gas is high-cost gas for purposes of this section during any month that the average closing price of gas certified by the commission for the previous three-month period is more than \$6 per MMBtu.

(b) The Railroad Commission of Texas shall publish the initial certification required by Section 201.057(e-1), Tax Code, as added by this section, not later than September 30, 2011.

(c) Section 201.057(e-1), Tax Code, as added by this section, 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.

Amendment No. 128

Representative Villarreal offered the following amendment to Amendment No. 127:

Amend Amendment No. 127 to **CSSB 1** by Villarreal (barcode no. 825178) as follows:

(1) Immediately following the heading to the ARTICLE added by the amendment, in the recital to Subsection (a) of the article, strike "amended by adding Subsection (e-1)" and substitute "amended by adding Subsections (e-1) and (e-2)".

(2) In the ARTICLE added by the amendment, between Subsections (a) and (b) of the article, insert the following:

(e-2) If the commission does not certify the gas as high-cost gas under Subsection (e-1), the comptroller shall determine the additional revenue from the tax imposed under this chapter that is attributable to the gas not being certified. After deducting the amount required by Section 201.403, the comptroller shall deposit that revenue to the credit of the foundation school fund. Section 201.404 does not apply to revenue deposited under this subsection.

Representative Otto moved to table Amendment No. 128.

The motion to table prevailed by (Record 46): 107 Yeas, 33 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Gonzales, L.; Gonzalez; Gooden; Guillen; Hamilton; Hardcastle; Harless; Harper-Brown;

Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lyne; Madden; Mallory Caraway; Margo; Martinez; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Nash; Oliveira; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Raymond; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Giddings; Gonzales, V.; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Lucio; Marquez; Martinez Fischer; McClendon; Miles; Naishtat; Quintanilla; Reynolds; Rodriguez; Strama; Thompson; Turner; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Burnam; Hancock; Walle; Woolley.

Absent — Menendez; Orr; Shelton; Veasey.

STATEMENT OF VOTE

I was shown voting no on Record No. 46. I intended to vote yes.

Deshotel

Representative Otto moved to table Amendment No. 127.

The motion to table prevailed by (Record 47): 102 Yeas, 38 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Gonzales, L.; Gonzales, V.; Gooden; Guillen; Hamilton; Hardcastle; Harless; Harper-Brown; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lyne; Madden; Margo; Martinez; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; White; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Giddings; Gonzalez; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; King, T.; Lucio; Mallory Caraway; Marquez; Martinez Fischer; McClendon; Menendez; Miles; Naishtat; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Burnam; Hancock; Walle; Woolley.

Absent — Hartnett; Pickett; Veasey; Weber.

STATEMENT OF VOTE

I was shown voting no on Record No. 47. I intended to vote yes.

T. King

Amendment No. 129

Representative Guillen offered the following amendment to **CSSB 1**:
 Floor Packet Page No. 397

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . MAXIMIZING FEDERAL FUNDING FOR CERTAIN
 TRANSPORTATION PROJECTS AND ACTIVITIES

SECTION ____ .01. Section 201.601, Transportation Code, is amended by adding Subsection (g) to read as follows:

(g) The plan must include a component that evaluates future federal funding opportunities for all modes of transportation and identifies actions necessary to maximize the total amount of federal funds received in the future for transportation improvements in this state.

SECTION ____ .02. Subchapter H, Chapter 201, Transportation Code, is amended by adding Section 201.623 to read as follows:

Sec. 201.623. COOPERATION WITH LOCAL PLANNING ENTITIES TO MAXIMIZE FEDERAL FUNDING FOR PROJECTS. The department shall work and plan with local transportation planning entities to maximize the amount of federal funding awarded for projects in this state by identifying and pursuing projects that are eligible for federal grant programs, including the scenic byways program.

SECTION ____ .03. The heading to Chapter 645, Transportation Code, is amended to read as follows:

CHAPTER 645. [~~SINGLE STATE~~] REGISTRATION FOR OPERATION IN MULTIPLE STATES

SECTION ____ .04. Chapter 645, Transportation Code, is amended by adding Section 645.005 to read as follows:

Sec. 645.005. UNIFORM HAZARDOUS MATERIALS TRANSPORTATION. The Texas Department of Motor Vehicles by rule shall establish, implement, and administer the terms of the uniform program for hazardous materials transportation registration and permitting developed by the Alliance for Uniform Hazmat Transportation Procedures under 49 U.S.C. Section 5119.

Amendment No. 129 failed of adoption by (Record 48): 50 Yeas, 89 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Castro; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; Larson; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Orr; Otto; Peña; Pitts; Quintanilla; Raymond; Reynolds; Rodriguez; Smith, W.; Strama; Taylor, L.; Thompson; Turner; Villarreal; Vo; Workman.

Nays — Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Darby; Davis, J.; Davis, S.; Davis, Y.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Martinez Fischer; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Parker; Patrick; Paxton; Perry; Phillips; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smithee; Solomons; Taylor, V.; Torres; Truitt; Weber; White; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Burnam; Hancock; Walle; Woolley.

Absent — Coleman; Crownover; King, T.; Pickett; Veasey.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 48. I intended to vote no.

Aliseda

I was shown voting yes on Record No. 48. I intended to vote no.

Orr

I was shown voting yes on Record No. 48. I intended to vote no.

Peña

I was shown voting yes on Record No. 48. I intended to vote no.

W. Smith

Amendment No. 130

Representatives Guillen, Eissler, Paxton, Creighton, L. Taylor, and Raymond offered the following amendment to **CSSB 1**:

Floor Packet Page No. 399

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ STATE FINANCING OF PUBLIC TRANSPORTATION

SECTION ____ .01. Section 456.003, Transportation Code, is amended to read as follows:

Sec. 456.003. PARTICIPATION INELIGIBILITY. A transit authority is ineligible to participate in the formula or discretionary program provided by this chapter unless the authority was created under Chapter 453 or former Article 1118z, Revised Statutes, by a municipality having a population of less than 200,000 at the time the authority is created.

SECTION ____02. Section 456.006, Transportation Code, is amended by adding Subsections (b-1) and (b-2) to read as follows:

(b-1) Notwithstanding Subsection (b), an urban transit district that was not included in an urbanized area containing a transit authority according to the 2000 federal decennial census but, as a result of the 2010 federal decennial census urban and rural classification, is included in an urbanized area that contains one or more transit authorities may receive money from the formula or discretionary program in an amount that does not exceed the amount of funds allocated to the district during the fiscal biennium ending August 31, 2011. This subsection expires August 31, 2018.

(b-2) The population of a municipality that was considered part of an urban transit district for purposes of the state transit funding formula for the fiscal biennium ending August 31, 2011, but that is included in a large urbanized area as a result of the 2010 federal decennial census, continues to be considered part of the urban transit district for purposes of the state transit funding formula. This subsection expires August 31, 2018.

SECTION ____03. Subchapter B, Chapter 456, Transportation Code, is amended by adding Section 456.0221 to read as follows:

Sec. 456.0221. ALLOCATION TO CERTAIN RECIPIENTS AFFECTED BY NATURAL DISASTER. (a) The commission shall consider as an urban transit district for the purposes of the allocation of funds under this chapter a designated recipient:

(1) that received money under the formula as an urban transit district for the fiscal biennium ending August 31, 2011;

(2) whose population according to the most recent decennial census is less than 50,000; and

(3) whose population loss over the preceding 10-year period is primarily the result of a natural disaster.

(b) This section expires August 31, 2018.

Amendment No. 130 was adopted by (Record 49): 96 Yeas, 40 Nays, 1 Present, not voting.

Yeas — Alonzo; Alvarado; Anchia; Anderson, C.; Aycock; Beck; Berman; Burkett; Button; Callegari; Carter; Castro; Chisum; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Dukes; Eiland; Eissler; Elkins; Farrar; Fletcher; Flynn; Gallego; Garza; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hamilton; Hardcastle; Hernandez Luna; Hilderbran; Hochberg; Howard, C.; Howard, D.; Huberty; Hunter; Johnson; Keffer; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Laubenberg; Lavender; Lozano; Lucio; Lyne; Madden; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miller, D.; Muñoz; Naishtat; Nash; Oliveira; Otto; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond;

Reynolds; Ritter; Rodriguez; Scott; Sheets; Sheffield; Shelton; Smith, W.; Smithee; Strama; Taylor, L.; Taylor, V.; Thompson; Turner; Veasey; Villarreal; Vo; Workman; Zedler; Zerwas.

Nays — Allen; Anderson, R.; Bonnen; Branch; Brown; Cain; Christian; Craddick; Davis, S.; Dutton; Frullo; Geren; Gonzales, L.; Gooden; Harless; Hartnett; Hopson; Hughes; Isaac; King, P.; King, S.; Landtroop; Legler; Lewis; Mallory Caraway; Miller, S.; Morrison; Murphy; Orr; Parker; Perry; Riddle; Schwertner; Simpson; Smith, T.; Solomons; Torres; Truitt; Weber; White.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Burnam; Hancock; Walle; Woolley.

Absent — Aliseda; Coleman; Cook; Driver; Farias; Harper-Brown; Jackson; Miles.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 49. I intended to vote no.

Button

I was shown voting yes on Record No. 49. I intended to vote no.

Callegari

I was shown voting yes on Record No. 49. I intended to vote no.

Carter

I was shown voting yes on Record No. 49. I intended to vote no.

Laubenberg

I was shown voting yes on Record No. 49. I intended to vote no.

Paxton

I was shown voting yes on Record No. 49. I intended to vote no.

Sheets

Amendment No. 131

Representatives Phillips and Lavender offered the following amendment to **CSSB 1**:

Floor Packet Page No. 401

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . LICENSE PLATES ISSUED FOR CERTAIN GOLF CARTS.

SECTION ____ .01. If **HB 2702**, Acts of the 82nd Legislature, Regular Session, 2011, does not become law, Section 504.510(d), Transportation Code, is amended to read as follows:

(d) This section applies only to an owner of a golf cart who resides[±]

~~[(4)]~~ on real property that is owned or under the control of the United States Corps of Engineers and is required by that agency to register the owner's golf cart under this chapter~~[-; and~~

~~[(2) in a county that borders another state and has a population of more than 110,000 but less than 111,000].~~

SECTION ____ .02. If **HB 2702**, Acts of the 82nd Legislature, Regular Session, 2011, becomes law, Section 504.510(d), Transportation Code, is amended to read as follows:

(d) This section applies only to an owner of a golf cart who resides~~[-]~~

~~[(4)]~~ on real property that is owned or under the control of the United States Corps of Engineers and is required by that agency to register the owner's golf cart under this chapter~~[-; and~~

~~[(2) in a county that borders another state and has a population of more than 120,750 but less than 121,000].~~

Amendment No. 131 was adopted.

Amendment No. 132

Representatives Pitts and Geren offered the following amendment to **CSSB 1**:

Floor Packet Page No. 402

Amend **CSSB 1** (house committee report) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . DRIVER'S LICENSES AND PERSONAL IDENTIFICATION CERTIFICATES

SECTION ____ .01. Subchapter A, Chapter 521, Transportation Code, is amended by adding Section 521.007 to read as follows:

Sec. 521.007. TEMPORARY VISITOR STATIONS. (a) The department shall designate as temporary visitor stations certain driver's license offices.

(b) A driver's license office designated as a temporary visitor station under this section must have at least two staff members who have completed specialized training on the temporary visitor issuance guide published by the department.

(c) A driver's license office designated as a temporary visitor station shall provide information and assistance to other driver's license offices in the state.

SECTION ____ .02. Subsection (b), Section 521.041, Transportation Code, is amended to read as follows:

(b) The department shall maintain suitable indexes, in alphabetical or numerical order, that contain:

- (1) each denied application and the reasons for the denial;
- (2) each application that is granted; ~~and~~
- (3) the name of each license holder whose license has been suspended, canceled, or revoked and the reasons for that action; and

(4) the citizenship status of each holder of a license or personal identification certificate.

SECTION ____ .03. Section 521.101, Transportation Code, is amended by adding Subsections (d-1), (f-2), (f-3), and (k) and amending Subsection (f) to read as follows:

(d-1) Unless the information has been previously provided to the department, the department shall require each applicant for an original, renewal, or duplicate personal identification certificate to furnish to the department:

- (1) proof of the applicant's United States citizenship; or
- (2) documentation described by Subsection (f-2).

(f) A personal identification certificate:

(1) for an applicant who is a citizen, national, or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States:

(A) expires on a date specified by the department if the applicant is younger than 60 years of age; or

(B) does not expire if the applicant is 60 years of age or older; or

(2) for an applicant not described by Subdivision (1), expires on:

(A) the earlier of:

(i) a date specified by the department; or

(ii) the expiration date of the applicant's authorized stay in the

United States; or

(B) the first anniversary of the date of issuance, if there is no definite expiration date for the applicant's authorized stay in the United States[; except that a certificate issued to a person 60 years of age or older does not expire].

(f-2) An applicant who is not a citizen of the United States must present to the department documentation issued by the appropriate United States agency that authorizes the applicant to be in the United States.

(f-3) The department may not issue a personal identification certificate to an applicant who fails or refuses to comply with Subsection (f-2).

(k) Except as provided by this section, each personal identification certificate issued by the department:

(1) must:

(A) be in the same format;

(B) have the same appearance and orientation; and

(C) contain the same type of information; and

(2) may not include any information that this chapter does not reference or require.

SECTION ____ .04. Section 521.103, Transportation Code, is amended by adding Subsection (c) to read as follows:

(c) Sections 521.101(f-2) and (f-3) apply to a personal identification certificate for which application is made under this section.

SECTION ____ .05. Section 521.121, Transportation Code, is amended by adding subsection (e) to read as follows:

(e) Except as provided by this section, each driver's license issued under this chapter:

(1) must:

- (A) be in the same format;
- (B) have the same appearance and orientation; and
- (C) contain the same type of information; and

(2) may not include any information that this chapter does not reference or require.

SECTION ____ .06. Subsections (a) and (e), Section 521.142, Transportation Code, are amended to read as follows:

(a) An application for an original license must state the applicant's full name and place and date of birth. This information must be verified by presentation of proof of identity satisfactory to the department. An applicant who is not a citizen of the United States must present to the department documentation issued by the appropriate United States agency that authorizes the applicant to be in the United States before the applicant may be issued a driver's license. The department must accept as satisfactory proof of identity under this subsection an offender identification card or similar form of identification issued to an inmate by the Texas Department of Criminal Justice if the applicant also provides supplemental verifiable records or documents that aid in establishing identity.

(e) The application must include any other information the department requires to determine the applicant's identity, residency, competency, and eligibility as required by the department or state law.

SECTION ____ .07. Section 521.1425, Transportation Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) Except as provided by Subsections [~~Subsection~~] (b) and (c), the department may require each applicant for an original, renewal, or duplicate driver's license to furnish to the department the information required by Section 521.142.

(c) Unless the information has been previously provided to the department, the department shall require each applicant for an original, renewal, or duplicate driver's license to furnish to the department:

- (1) proof of the applicant's United States citizenship; or
- (2) documentation described by Section 521.142(a).

SECTION ____ .08. Section 521.271, Transportation Code, is amended by amending Subsections (a) and (b) and adding Subsections (a-2), (a-3), and (a-4) to read as follows:

(a) Each original driver's license, [~~and~~] provisional license, instruction permit, or occupational driver's license issued to an applicant who is a citizen, national, or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States expires as follows:

- (1) except as provided by Section 521.2711, a driver's license expires on the first birthday of the license holder occurring after the sixth anniversary of the date of the application;
- (2) a provisional license expires on the 18th birthday of the license holder;
- (3) an instruction permit expires on the 18th birthday of the license holder;

(4) an occupational driver's license expires on the first anniversary of the court order granting the license; and

(5) unless an earlier date is otherwise provided, a driver's license issued to a person whose residence or domicile is a correctional facility or a parole facility expires on the first birthday of the license holder occurring after the first anniversary of the date of issuance.

(a-2) Each original driver's license issued to an applicant who is not a citizen, national, or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States expires on:

(1) the earlier of:

(A) the first birthday of the license holder occurring after the sixth anniversary of the date of the application; or

(B) the expiration date of the license holder's lawful presence in the United States as determined by the appropriate United States agency in compliance with federal law; or

(2) the first anniversary of the date of issuance, if there is no definite expiration date for the applicant's authorized stay in the United States.

(a-3) Each original provisional license or instruction permit issued to an applicant who is not a citizen, national, or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States expires on the earliest of:

(1) the 18th birthday of the license holder;

(2) the first birthday of the license holder occurring after the date of the application; or

(3) the expiration of the license holder's lawful presence in the United States as determined by the United States agency responsible for citizenship and immigration in compliance with federal law.

(a-4) Each original occupational driver's license issued to an applicant who is not a citizen, national, or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States expires on the earlier of:

(1) the first anniversary of the date of issuance; or

(2) the expiration of the license holder's lawful presence in the United States as determined by the appropriate United States agency in compliance with federal law.

(b) Except as provided by Section 521.2711, a driver's license that is renewed expires on the earlier of:

(1) the sixth anniversary of the expiration date before renewal if the applicant is a citizen, national, or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States;

(1-a) for an applicant not described by Subdivision (1):

(A) the earlier of:

(i) the sixth anniversary of the expiration date before renewal;

or

(ii) the expiration date of the applicant's authorized stay in the United States; or

(B) the first anniversary of the date of issuance, if there is no definite expiration date for the applicant's authorized stay in the United States; or

(2) for a renewal driver's license issued to a person whose residence or domicile is a correctional facility or a parole facility, the first birthday of the license holder occurring after the first anniversary of the date of issuance unless an earlier date is otherwise provided.

SECTION ____ .09. Section 521.2711, Transportation Code, is amended by adding Subsection (c) to read as follows:

(c) Notwithstanding Subsections (a) and (b), an original or renewal driver's license issued to an applicant who is 85 years of age or older and not a citizen, national, or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States expires on:

(1) the earlier of:

(A) the second anniversary of the expiration date before renewal;

or

(B) the expiration date of the applicant's authorized stay in the United States; or

(2) the first anniversary of the date of issuance if there is no definite expiration date for the applicant's authorized stay in the United States.

SECTION ____ .10. Section 521.272, Transportation Code, is amended by amending Subsection (c) and adding Subsection (d) to read as follows:

(c) Notwithstanding Sections [Section] 521.271 and 521.2711, a driver's license issued under this section, including a renewal, duplicate, or corrected license, expires:

(1) if the license holder is a citizen, national, or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States, on the first birthday of the license holder occurring after the date of application, except that the initial license issued under this section expires on the second birthday of the license holder occurring after the date of application; or

(2) if the applicant is not described by Subdivision (1), on the earlier of:

(A) the expiration date of the applicant's authorized stay in the United States; or

(B) the first birthday of the license holder occurring after the date of application, except that the initial license issued under this section expires on the second birthday of the license holder occurring after the date of application.

(d) Subsection (c) [This subsection] does not apply to:

(1) a provisional license;

(2) an instruction permit issued under Section 521.222; or

(3) a hardship license issued under Section 521.223.

SECTION ____ .11. Section 521.421, Transportation Code, is amended by adding Subsection (a-3) to read as follows:

(a-3) Except as provided by Subsections (a-1) and (a-2), the fee for a driver's license or personal identification certificate that is issued to a person who is not a citizen, national, or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States and that is valid for not more than one year is \$24.

SECTION ____ .12. Section 522.005, Transportation Code, is amended to read as follows:

Sec. 522.005. RULEMAKING AUTHORITY. The department may adopt rules necessary to carry out this chapter and the federal act and to maintain compliance with 49 C.F.R. Parts 383 and 384.

SECTION ____ .13. Section 522.030, Transportation Code, is amended to read as follows:

Sec. 522.030. CONTENT OF LICENSE. (a) A commercial driver's license must:

- (1) be marked "Commercial Driver License" or "CDL";
- (2) be, to the extent practicable, tamper-proof; and
- (3) include:
 - (A) the name and mailing address of the person to whom it is issued;
 - (B) the person's color photograph;
 - (C) a physical description of the person, including sex, height, and eye color;
 - (D) the person's date of birth;
 - (E) a number or identifier the department considers appropriate;
 - (F) the person's signature;
 - (G) each class of commercial motor vehicle that the person is authorized to drive, with any endorsements or restrictions;
 - (H) the name of this state; and
 - (I) the dates between which the license is valid.

(b) Except as provided by this section, each personal commercial driver's license issued under this chapter:

- (1) must:
 - (A) be in the same format;
 - (B) have the same appearance and orientation; and
 - (C) contain the same type of information; and
- (2) may not include any information that this chapter does not reference

or require.

(c) To the extent of a conflict or inconsistency between this section and Section 522.013 or 522.051, Section 522.013 or 522.051 controls.

SECTION ____ .14. Subsection (b), Section 522.033, Transportation Code, is amended to read as follows:

(b) Notwithstanding Section 522.051, a commercial driver's license or commercial driver learner's permit issued under this section, including a renewal, duplicate, or corrected license, expires:

(1) if the license or permit holder is a citizen, national, or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States, on the first birthday of the license holder occurring after the date of application, except that the initial license issued under this section expires on the second birthday of the license holder occurring after the date of application; or

(2) if the applicant is not described by Subdivision (1), on the earlier of:

(A) the expiration date of the applicant's authorized stay in the United States; or

(B) the first birthday of the license holder occurring after the date of application, except that the initial license issued under this section expires on the second birthday of the license holder occurring after the date of application.

SECTION ____ .15. Section 522.052, Transportation Code, is amended by adding Subsection (i) to read as follows:

(i) Unless the information has been previously provided to the department, the department shall require each applicant for a renewal or duplicate commercial driver's license to furnish to the department:

(1) proof of the applicant's United States citizenship; or

(2) documentation described by Section 521.142(a).

SECTION ____ .16. Not later than January 1, 2013, the Department of Public Safety of the State of Texas shall submit to the legislature a report evaluating the effectiveness of the temporary visitor stations established under Section 521.007, Transportation Code, as added by this Act.

SECTION ____ .17. The changes in law made by this Act to Chapters 521 and 522, Transportation Code, apply only to a driver's license, personal identification certificate, commercial driver's license, or commercial driver learner's permit issued, reissued, reinstated, or renewed on or after the effective date of this Act. A driver's license, personal identification certificate, commercial driver's license, or commercial driver learner's permit issued, reissued, reinstated, or renewed before the effective date of this Act is governed by the law in effect when the license, certificate, or permit was issued, reissued, reinstated, or renewed, and the former law is continued in effect for that purpose.

Amendment No. 132 - Point of Order

Representative Gallego raised a point of order against further consideration of Amendment No. 132.

The point of order was withdrawn.

Amendment No. 133

Representative Alonzo offered the following amendment to Amendment No. 132:

Amend Amendment No. 132 to **CSSB 1** by Pitts (page 402 of the prefiled amendments packet) by adding the following appropriately numbered SECTION to the ARTICLE of the amendment:

SECTION ____ . Subchapter G, Chapter 521, Transportation Code, is amended by adding Section 521.1471 to read as follows:

Sec. 521.1471. REGISTRATION WITH SELECTIVE SERVICE. A person who provides proof of compliance with registration requirements of the United States Selective Service System under the Military Selective Service Act (50 U.S.C. App. Section 451 et seq.) is eligible to apply for a driver's license under this chapter.

Amendment No. 133 was withdrawn.

Amendment No. 132 was adopted. (Alvarado, Guillen, Martinez Fischer, Menendez, Muñoz, Naishtat, Quintanilla, and Rodriguez recorded voting no.)

Amendment No. 134

Representative Phillips offered the following amendment to **CSSB 1**:
Floor Packet Page No. 413

Amend **CSSB 1** (house 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 CONCERNING DRIVER'S LICENSES

SECTION ____ .01. Subchapter N, Chapter 521, Transportation Code, is amended by adding Section 521.2965 to read as follows:

Sec. 521.2965. REVOCATION: PERSON UNDER 18 YEARS OF AGE.

(a) Unless the person complies with the requirements of Subsection (b), the department shall revoke the license of a person under 18 years of age who is enrolled at a public school, home school, or private school if:

(1) the person's parent or guardian notifies the department that the person has been absent from school for at least 10 consecutive instructional days;
or

(2) a school administrator or law enforcement officer notifies the department that the person has been absent from school for at least 20 consecutive instructional days.

(b) The department shall notify the person in writing of a truancy report made against the person under Subsection (a). The revocation of a license by the department under this section becomes effective on the 30th day after the date of the notice, unless before that date the person provides to the department information required by the department to demonstrate the person's school attendance.

(c) The notice provided to a person under Subsection (b) must:

(1) state that the revocation becomes effective on the 30th day after the date of the notice; and

(2) contain information regarding the procedures and documentation that the person may provide to the department in order to avoid the revocation of the person's license.

SECTION ____ .02. Section 521.271(a-1), Transportation Code, is repealed.

Amendment No. 135

Representative Deshotel offered the following amendment to Amendment No. 134:

Amend Floor Amendment No. 134 (page 413, prefiled amendment packet) by Phillips to **CSSB 1** (house committee report) by adding a new Section ____ 02 and renumbering additional sections accordingly as follows:

SECTION ____ .02. Section 521.126, Transportation Code, is amended by amending Subsection (e) and adding Subsection (f) to read as follows:

(e) The prohibition provided by Subsection (b) ~~[(b)(1)]~~ does not apply to a financial institution or a business that accesses or uses electronically readable information or compiles or maintains a database of that information if:

(1) the information is accessed and used ~~[only]~~ for purposes of identification verification of an individual or check verification at the point of sale for a purchase of a good or service by check;

(2) the information is accessed and used as part of a transaction initiated by the license or certificate holder to provide information to a check verification entity as defined by Section 523.052, Business and Commerce Code, and governed by the Fair Credit Reporting Act (15 U.S.C. Section 1681 et seq.), for the purpose of screening transactions for fraudulent activity and identity theft and effecting, administering, or enforcing the transaction, provided that the electronically readable information is limited to the licensee's name, drivers license number, address, and date of birth; or

~~(3) in the case of [— The prohibition provided by Subsection (b)(2) does not apply to] a financial institution, [if] each license or certificate holder whose information is included in the compilation or database consents to the inclusion of the person's information in the compilation or database[— Consent under this subsection must be] on a separate document, signed by the license or certificate holder, that explains in at least 14-point bold type the information that will be included in the compilation or database. [For the purposes of this subsection, "financial institution" has the meaning assigned by 31 U.S.C. Section 5312(a)(2), as amended.]~~

(f) For the purposes of this section, "financial institution" has the meaning assigned by 31 U.S.C. Section 5312(a)(2).

Amendment No. 135 was adopted. (White recorded voting no.)

Amendment No. 134 - Point of Order

Representative Y. Davis raised a point of order against further consideration of Amendment No. 134, as amended, under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.

The speaker sustained the point of order.

The ruling precluded further consideration of Amendment No. 134, as amended.

Amendment No. 136

Representative Orr offered the following amendment to **CSSB 1**:

Floor Packet Page No. 415

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . CERTAIN COURT COSTS ASSOCIATED WITH THE
OFFENSE OF FAILING TO SECURE A CHILD PASSENGER IN A MOTOR
VEHICLE

SECTION ____ .01. The following laws are repealed:

- (1) Section 545.412(b-1), Transportation Code;
- (2) Section 102.104, Government Code; and
- (3) Section 102.122, Government Code.

SECTION ____ .02. The change in law made by this article 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 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 was committed before that date.

Amendment No. 136 was adopted.

Amendment No. 137

Representative Hilderbran offered the following amendment to **CSSB 1**:

Floor Packet Page No. 416

Amend **CSSB 1** by adding the following appropriately numbered ARTICLE to the bill and renumbering the subsequent ARTICLES of the bill appropriately:

ARTICLE ____ . CERTAIN POWERS AND DUTIES OF THE LEGISLATIVE BUDGET BOARD AND THE PUBLIC UTILITY COMMISSION OF TEXAS

SECTION ____ .01. Subchapter Z, Chapter 39, Utilities Code, is amended by adding Section 39.9041 to read as follows:

Sec. 39.9041. UNDERGROUND PLACEMENT OF CERTAIN COMPETITIVE RENEWABLE ENERGY ZONE TRANSMISSION LINES.

(a) The commission and the Legislative Budget Board jointly may study critical segments of a transmission line intended to serve a competitive renewable energy zone that pose the most risk of damage for municipalities and municipal residents.

SECTION ____ .02. Section 39.9041, Utilities Code, as added by this article, applies only to a certificate of convenience and necessity approved on or after January 1, 2011. A certificate of convenience and necessity approved before January 1, 2011, is governed by the law in effect at the time the certificate was approved, and the former law is continued in effect for that purpose.

SECTION ____ .03. Section 39.9041, Utilities Code, as added by 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, Section 39.9041, as added by this article, takes effect September 1, 2011.

Amendment No. 138

Representative Hilderbran offered the following amendment to Amendment No. 137:

Amend Amendment No. 137 to **CSSB 1** by adding the following:

ARTICLE ____ . CERTAIN POWERS AND DUTIES OF THE LEGISLATIVE BUDGET BOARD AND THE PUBLIC UTILITY COMMISSION OF TEXAS

SECTION ____ .01 Subchapter Z, Chapter 39, Utilities Code, is amended by adding Section 39.9041 to read as follows:

Sec. 39.9041. UNDERGROUND PLACEMENT OF CERTAIN COMPETITIVE RENEWABLE ENERGY ZONE TRANSMISSION LINES.
(a) This section applies to a county that has a population of 25,000 or less and contains a portion of the Llano River or Guadalupe River.

(b) The commission and the Legislative Budget Board jointly shall determine critical segments of a transmission line intended to serve a competitive renewable energy zone that pose the most risk of damage for municipalities and municipal residents. A critical segment of a transmission line must be placed underground unless the Legislative Budget Board determines underground placement is cost prohibitive based on cost projections submitted to the board by the entity designated by the commission to construct the critical segment.

SECTION ____ .02. Section 39.9041, Utilities Code, as added by this article, applies only to a certificate of convenience and necessity approved on or after January 1, 2011. A certificate of convenience and necessity approved before January 1, 2011, is governed by the law in effect at the time the certificate was approved, and the former law is continued in effect for that purpose.

SECTION ____ .03. Section 39.9041, Utilities Code, as added by 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, Section 39.9041, as added by this article, takes effect September 1, 2011.

Amendment No. 138 was adopted.

Amendment No. 137, as amended, was withdrawn.

Amendment No. 139

Representative R. Anderson offered the following amendment to **CSSB 1**:
Floor Packet Page No. 417

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES accordingly:

ARTICLE ____ . FISCAL MATTERS RELATING TO CERTAIN
GROUNDWATER CONSERVATION DISTRICTS

SECTION ____ .01. Section 36.0151, Water Code, is amended by adding Subsections (f), (g), and (h) to read as follows:

(f) Before September 1, 2015, the commission may not create a groundwater conservation district under this section in a county:

(1) in which the annual amount of surface water used is more than 50 times the annual amount of groundwater produced;

(2) that is located in a priority groundwater management area; and

(3) that has a population greater than 2.3 million.

(g) To the extent of a conflict between Subsection (f) and Section 35.012, Subsection (f) prevails.

(h) The commission may charge an annual fee not to exceed \$500 to a county described by Subsection (f) for the purpose of studying compliance with that subsection in that county and the overall groundwater consumption in that county.

Amendment No. 139 was adopted. (White recorded voting no.)

Amendment No. 140

Representative Perry offered the following amendment to **CSSB 1**:

Floor Packet Page No. 418

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering the remaining ARTICLES of the bill accordingly:

ARTICLE ____ . MAJOR EVENTS TRUST FUND

SECTION ____ .01. Sections 5A(a)(4) and (5), Chapter 1507 (S.B. 456), Acts of the 76th Legislature, Regular Session, 1999 (Article 5190.14, Vernon's Texas Civil Statutes), as amended by **SB 309**, Acts of the 82nd Legislature, Regular Session, 2011, are amended to read as follows:

(4) "Event" means a Super Bowl, a National Collegiate Athletic Association Final Four tournament game, the National Basketball Association All-Star Game, the National Hockey League All-Star Game, the Major League Baseball All-Star Game, a National Collegiate Athletic Association Bowl Championship Series game, a World Cup Soccer game, the World Games, a national collegiate championship of an amateur sport sanctioned by the national governing body of the sport that is recognized by the United States Olympic Committee, an Olympic activity, including a Junior or Senior activity, training program, or feeder program sanctioned by the United States Olympic Committee's Community Olympic Development Program, the Breeders' Cup World Championships, [~~a Formula One automobile race,~~] the Academy of Country Music Awards, the National Cutting Horse Association Triple Crown, or a national political convention of the Republican National Committee or the Democratic National Committee. The term includes any activities related to or associated with an event.

(5) "Site selection organization" means:

(A) the National Football League, the National Collegiate Athletic Association, the National Basketball Association, the National Hockey League, Major League Baseball, the Federation Internationale de Football Association (FIFA), the International World Games Association, or the United States Olympic Committee;

(B) the national governing body of a sport that is recognized by the United States Olympic Committee or [~~;~~] the National Thoroughbred Racing Association [~~;~~ ~~Formula One Management Limited,~~ ~~or the Federation Internationale de l'Automobile~~];

(C) the Academy of Country Music;

(D) the National Cutting Horse Association; or

(E) the Republican National Committee or the Democratic National Committee.

SECTION __.02. Notwithstanding any other provision of law, including **HB 1**, Acts of the 82nd Legislature, Regular Session, 2011 (the General Appropriations Act), for the period beginning on the effective date of this article and ending on August 31, 2013, the comptroller may not disburse money from Major Events Trust Fund 0869 to pay a state, municipal, or county obligation under a game support contract or event support contract related to a Formula One automobile race.

SECTION __.03. (a) Notwithstanding Section 5A, Chapter 1507 (**SB 456**), Acts of the 76th Legislature, Regular Session, 1999 (Article 5190.14, Vernon's Texas Civil Statutes), the unexpended and unobligated balances of the money appropriated by Section 17.58, page IX-81, Chapter 1424 (**SB 1**), Acts of the 81st Legislature, Regular Session, 2009 (the General Appropriations Act), and reappropriated as unexpended and unobligated balances in the appropriations to the comptroller of public accounts, in Item 15, page I-26, **HB 1**, Acts of the 82nd Legislature, Regular Session, 2011 (the General Appropriations Act), are appropriated to the Texas Education Agency for the Foundation School Program.

(b) Money appropriated under this section shall be used to increase the basic allotment under Section 42.101, Education Code, and the dollar amount guaranteed level "GL" under Section 42.302, Education Code, by corresponding amounts, as determined by the commissioner of education.

SECTION __.04. 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 on the 91st day after the last day of the legislative session.

AMENDMENT NO. 140 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE PERRY: In the name of consistency, working on the premise of asking what role the state has in private enterprise and investment in the name of economic development, I filed the amendment to remove \$25 million for Formula One. I'm told that there's probably going to be a point of order on this, and I'm comfortable with doing that. In the expedience of people's time tonight, I'm willing to withdraw it based on the point of order. However, I would say this—it is important for this body to know that as a state, we are committing to a minimum of \$25 million on the front end, and every year after that we will commit again to a different amount as certified by the comptroller? That is money which we spend out of our pockets with no regard to whether we recoup it or not. So I just want to make that part of the public record, that we need to be aware of that. I will pull it on a point of order tonight. We are investing money, which is different than the other events that we have, that we may not get back as a taxpayer group. It's different in that we're pre-funding this amount up front. I just want to be on record for that.

Amendment No. 140 was withdrawn.

REMARKS ORDERED PRINTED

Representative Perry moved to print his remarks on Amendment No. 140.

The motion prevailed.

Amendment No. 141

Representative P. King offered the following amendment to **CSSB 1**:

Floor Packet Page No. 421

Amend **CSSB 1** by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES of the bill accordingly:

ARTICLE ____. STATE COSTS FOR ATTORNEYS AD LITEM AND
GUARDIANS AD LITEM APPOINTED TO REPRESENT MINORS IN
JUDICIAL BYPASS ABORTION PROCEEDINGS

SECTION ____.01. (a) Not later than December 1, 2011, the supreme court by rule shall establish procedures for the supreme court and each county court at law, court having probate jurisdiction, district court, and court of appeals in this state to conduct a financial audit to determine for the state fiscal year beginning September 1, 2011, the amount of state funds used to pay the costs of attorneys ad litem and guardians ad litem appointed to represent minors under Section 33.003 or 33.004, Family Code.

(b) In the procedures adopted under Subsection (a) of this section, the supreme court must require each court to submit to the supreme court a report on the results of the financial audit conducted by each court not later than November 1, 2012.

(c) Not later than January 1, 2013, the supreme court shall submit to the lieutenant governor and the speaker of the house of representatives a report that summarizes the results of financial audits conducted pursuant to Subsections (a) and (b) of this section.

Amendment No. 141 was adopted by (Record 50): 128 Yeas, 11 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Button; Cain; Callegari; Carter; Castro; Chisum; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Deshotel; Driver; Eiland; Eissler; Elkins; Farias; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner;

Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Truitt; Turner; Veasey; Vo; Weber; White; Workman; Zedler; Zerwas.

Nays — Alonzo; Alvarado; Christian; Davis, Y.; Dukes; Dutton; Howard, D.; Johnson; Miles; Naishtat; Villarreal.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Burnam; Hancock; Walle; Woolley.

Absent — Burkett; Coleman; Farrar; Giddings; Torres.

STATEMENT OF VOTE

I was shown voting no on Record No. 50. I intended to vote yes.

Christian

Amendment No. 142

Representative Morrison offered the following amendment to **CSSB 1**:
Floor Packet Page No. 422

Amend **CSSB 1** (house committee report) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . SPECIALTY LICENSE PLATE FEES

SECTION ____ .01. If Section 13.07, Article IX, **HB 1**, 82nd Legislature, Regular Session, 2011, becomes law, Section 13.07(a) of that Article is amended to read as follows:

(a) Except as provided by Subsection (c) of this Section, for the fiscal biennium beginning September 1, 2011, the amounts appropriated to an agency under Articles I-VIII of this Act include, regardless of whether or not the amounts may be shown under or limited by the bill pattern or riders of the agency or the special provisions applicable to the Article of this Act under which the agency's appropriation might be located, ~~[fifty percent of]~~ all revenue collected by an agency on or after September 1, 2011, that are associated with the sale of a Texas specialty license plate, as authorized by Subchapter G, Chapter 504, Transportation Code, or other applicable statute, during the 2012-13 biennium, including any new license plates that may be authorized or issued after September 1, 2011.

Amendment No. 142 was withdrawn.

Amendment No. 143

Representative McClendon offered the following amendment to **CSSB 1**:
Floor Packet Page No. 423

Amend **CSSB 1** (house committee report) by adding the following appropriately numbered SECTION to ARTICLE 56 of the bill and renumbering subsequent SECTIONS of the ARTICLE accordingly:

SECTION 56.____. (a) This section applies only to a juvenile justice alternative education program that, for the 2005-2006 school year, received funding as a result of an agreement between school districts under Subchapter E, Chapter 41, Education Code.

(b) A juvenile justice alternative education program is entitled to state aid under this section in an amount equal to:

(1) for the 2011-2012 school year, the difference between:

(A) the funding the program received as a result of all agreements between school districts under Subchapter E, Chapter 41, Education Code, for the 2005-2006 school year; and

(B) the funding the program receives as a result of all agreements between school districts under Subchapter E, Chapter 41, Education Code, for the 2011-2012 school year; and

(2) for the 2012-2013 school year, the difference between:

(A) the funding the program received as a result of all agreements between school districts under Subchapter E, Chapter 41, Education Code, for the 2005-2006 school year; and

(B) the funding the program receives as a result of all agreements between school districts under Subchapter E, Chapter 41, Education Code, for the 2012-2013 school year.

(c) The commissioner of education shall:

(1) determine the amount of state aid to which a juvenile justice alternative education program is entitled under this section; and

(2) distribute the aid in 10 equal monthly installments:

(A) for the 2011-2012 school year, beginning with September 2011 and ending with June 2012; and

(B) for the 2012-2013 school year, beginning with September 2012 and ending with June 2013.

(d) To fund a distribution authorized under Subsection (c)(2), the commissioner of education may reallocate money in the Texas Education Agency's budget, to the extent otherwise authorized by law, or use other available funds.

(e) The commissioner of education shall adopt rules to implement this section.

(f) A determination of the commissioner of education under this section is final and may not be appealed.

Amendment No. 144

Representative McClendon offered the following amendment to Amendment No. 143:

Amend Amendment No. 143 by McClendon to **CSSB 1** (barcode no. 825122):

(1) On page 2 of the amendment, strike lines 12-13.

(2) On page 2 of the amendment, line 14, strike "(f)" and substitute "(e)".

Amendment No. 144 was adopted.

Amendment No. 145

Representative Berman offered the following amendment to Amendment No. 143:

Amend Amendment No. 143 by McClendon to **CSSB 1** (page 423 of the pre-filed amendment packet) as follows:

(1) On page 1, line 1, before "Amend **CSSB 1**" insert "(1)".

(2) Add the following at the end of the amendment:

(2) Amend **CSSB 1** by adding the following appropriately numbered ARTICLE and renumbering the remaining ARTICLES and SECTIONS accordingly:

ARTICLE ____ . JUVENILE JUSTICE ALTERNATIVE
EDUCATION PROGRAMS

SECTION ____ .01. Section 37.011, Education Code, is amended by adding Subsection (a-3) to read as follows:

(a-3) For purposes of this section and Section 37.010(a), a county with a population greater than 125,000 is considered to be a county with a population of 125,000 or less if the county:

(1) has a population of more than 200,000 and less than 220,000;

(2) has five or more school districts located wholly within the county's boundaries; and

(3) has located in the county a juvenile justice alternative education program that, on May 1, 2011, served fewer than 15 students.

Amendment No. 145 was adopted.

Amendment No. 143, as amended, was adopted by (Record 51): 75 Yeas, 66 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Berman; Bonnen; Branch; Brown; Castro; Chisum; Christian; Coleman; Creighton; Crownover; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Eissler; Farrar; Gallego; Garza; Geren; Giddings; Gonzales, V.; Gonzalez; Gutierrez; Hernandez Luna; Hochberg; Howard, C.; Howard, D.; Huberty; Johnson; Keffer; Kleinschmidt; Kolkhorst; Larson; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Muñoz; Naishtat; Oliveira; Otto; Patrick; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Riddle; Rodriguez; Sheffield; Shelton; Simpson; Smith, W.; Strama; Thompson; Turner; Veasey; Villarreal; Vo.

Nays — Aliseda; Anderson, R.; Aycok; Beck; Burkett; Button; Cain; Callegari; Carter; Cook; Craddick; Darby; Davis, J.; Driver; Elkins; Fletcher; Flynn; Frullo; Gonzales, L.; Gooden; Guillen; Hamilton; Hardcastle; Harless; Hartnett; Hilderbran; Hopson; Hughes; Hunter; Isaac; Jackson; King, P.; King, S.; King, T.; Kuempel; Landtroop; Laubenberg; Lavender; Legler; Marquez; Miller, S.; Morrison; Murphy; Nash; Orr; Parker; Paxton; Peña; Perry; Phillips; Price; Ritter; Schwertner; Scott; Sheets; Smith, T.; Smithee; Solomons; Taylor, V.; Torres; Truitt; Weber; White; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Burnam; Hancock; Walle; Woolley.

Absent — Farias; Harper-Brown; Taylor, L.

STATEMENT OF VOTE

I was shown voting no on Record No. 51. I intended to vote yes.

Marquez

Amendment No. 146

Representative Madden offered the following amendment to **CSSB 1**:
Floor Packet Page No. 425

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered article to the bill:

ARTICLE ____ TEXAS JUVENILE PROBATION COMMISSION

SECTION ____ .01. (a) The Texas Education Agency and the Department of Family and Protective Services each may enter into an interagency agreement with the Texas Juvenile Probation Commission to perform prevention and intervention services described by **SB 653**, Acts of the 82nd Legislature, Regular Session, 2011, as effective September 1, 2011, during the state fiscal biennium beginning September 1, 2011.

(b) Each fiscal year of the state fiscal biennium beginning September 1, 2011, the Texas Education Agency may transfer to the Texas Juvenile Probation Commission or its successor agency not more than \$10 million from money appropriated to the Texas Education Agency that is available for that purpose. The unexpended balance of the money transferred during the state fiscal year ending August 31, 2012, may be spent for the same purpose during the state fiscal year beginning September 1, 2012.

(c) Each fiscal year of the state fiscal biennium beginning September 1, 2011, the Department of Family and Protective Services may transfer to the Texas Juvenile Probation Commission or its successor agency not more than \$28 million from money appropriated to the Department of Family and Protective Services that is available for that purpose. The unexpended balance of the money transferred during the state fiscal year ending August 31, 2012, may be spent for the same purpose during the state fiscal year beginning September 1, 2012.

(d) Of money transferred under Subsection (b) or (c), the Texas Juvenile Probation Commission or its successor agency may use not more than \$250,000 for an external evaluation of the current methods of delivering at-risk youth services in Texas. The evaluation must include recommendations for a model system of at-risk youth service delivery with clear accountability measures. The recommendations may include recommendations to state agencies regarding program functions of those agencies that the Texas Juvenile Probation Commission or its successor agency may perform. Notwithstanding any other law, a state agency identified by a recommendation made under this subsection may enter into an interagency agreement with the Texas Juvenile Probation Commission or its successor agency for the Texas Juvenile Probation Commission or its successor agency to perform the identified program functions.

Amendment No. 146 was adopted.

Amendment No. 147

Representative Oliveira offered the following amendment to **CSSB 1**:

Floor Packet Page No. 428

Amend **CSSB 1**, by adding the following appropriately numbered **ARTICLE** and renumbering existing **ARTICLES** of the bill accordingly:

**ARTICLE ____ . SALE OF CERTAIN REAL PROPERTY HELD
BY CERTAIN STATE AGENCIES**

SECTION ____ .01. AUTHORIZATION FOR SALE. (a) Except as provided by Section 2 of this Act, the General Land Office shall, not later than August 31, 2013, offer for sale on behalf of each holder of real property the tracts of real property described by Section 3 of this Act.

(b) Except as otherwise provided by this Act, the sale shall be conducted as provided by Section 31.158, Natural Resources Code.

SECTION ____ .02. SPECIFIC TERMS. (a) The General Land Office may not offer for sale the property described by Section 3(b) of this Act held by the Texas Department of Transportation until after the date the agency completes the relocation of the agency operations to another location.

(b) The General Land Office is required to implement this Act with respect to the property held by the Texas Department of Criminal Justice described in Section 3(a)(2) of this Act only if the legislature prohibits the use of appropriated money to operate the Central Unit, Sugar Land, Fort Bend County. If the legislature does not prohibit the use of appropriated money specifically for the operation of the Central Unit, Sugar Land, Fort Bend County, the General Land Office may not implement this Act with respect to the property described in Section 3(a)(2) of this Act.

(c) Before the sale of a parcel of real property described by SECTION 3 of this Act may be made, a survey of the parcel must be conducted by or under the direction of the General Land Office.

SECTION ____ .03. PROPERTY DESCRIPTIONS. (a) Property held by the Texas Department of Criminal Justice is described as follows:

(1) Estelle Unit (part), Parcel B, 895.99 acres out of a 5,458.73 acre tract, GLO ID #702, located at FM 980 and FM 3478, Huntsville, Walker County, Texas, more particularly described as follows:

Being all that certain tract or parcel of land situated in the Stephen Manning Survey, Abstract Number 31 and being a part of a 2507.09 acre tract of land called Second Tract conveyed by the W. L. Smither Estate to the State of Texas Department of Corrections and described in deed of record in Volume 392, Pages 124 - 130 of the Walker County Deed Records (W.C.D.R.) and more particularly described as follows:

BEGINNING at a found 1 1/4" galvanized iron pipe in the Right of Way of F.M. 980 having Texas State Plane Coordinate Value of $X = 3,522,562.7595$ ft. ($3,522,562.78'$), $Y = 468,762.5719$ ft. ($468,762.63'$) for the lower southwest corner of a 4928.35 acre tract described in a deed from the Trinity River Authority to the State of Texas Department of Corrections of record in Volume 223, Page 745 W.C.D.R. and the southeast corner of said 2507.09 acre tract and of this tract, from which U.S. Coast and Geodetic Triangulation Station

"PRAIRIE 1943" bears S 58° 13' 35" W 11,117.22 ft. THE SOURCE OF BEARINGS FOR THIS SURVEY IS THE GRID BEARING BETWEEN THE SAID STATION AND ITS AZIMUTH MARK;

THENCE, S 59° 56' 38" W (N 59° 57' 20" E 275.57') with a southerly line of said 2507.09 acre tract and within the said Right of Way of F.M. 980 a distance of 275.58 ft. to another found 1 1/4" galvanized iron pipe for an angle corner of said tract and this tract;

THENCE, S 64° 54' 28" W (N 64° 54' 20" E 6629.24') continuing with another southerly line of said 2507.09 acre tract and generally with fence a distance of 5431.97 ft. to a found concrete monument for an angle corner of this tract and the northerly Right of Way of F.M. 980;

THENCE, S 75° 40' 07" W (N 75° 59' 50" E 101.98') leaving the southerly line of said 2507.09 acre tract, with a northerly Right of Way line of said F.M. 980 and generally with fence a distance of 102.04 ft. to another found concrete monument for an angle corner of said right of way and of this tract;

THENCE, S 64° 52' 22" W (N 64° 41' 15" E 600.00') with another northerly Right of Way line of F.M. 980 and generally with fence a distance of 599.80 ft. to another found concrete monument at the intersection of said right of way line and the easterly Right of Way line of F.M. 3478 for a corner of this tract, from which a found 5/8" iron rod on the northerly Right of Way line of F.M. 980 and on the west line of said 2507.09 acre tract bears S 63° 46' 57" W 499.19;

THENCE, N 35° 21' 01" W (S 35° 22' 19" E 113.76') with an easterly Right of Way line of said F.M. 3478 and generally with fence a distance of 113.49 ft. to another found concrete monument for a corner of this tract;

THENCE, N 7° 24' 35" W (S 7° 28' 45" E 5335.18') with another easterly Right of Way line of said F.M. 3478 and generally with fence a distance of 5331.22 ft. to a found concrete monument at the Point of Curve to the left, for a corner of this tract;

THENCE, with said curve to the left, and generally with fence, having the following data: Delta - 5° 14' 08" Lt. (5° 14' Lt.), Radius - 2924.79 ft. (2924.79'), Length - 267.26 ft. (267.14'), Long Chord - N 10° 06' 46" W 267.17 ft. (S 10° 05' 45" E 267.05') and a Radial Bearing In - S 82° 30' 11" W, to another found concrete monument at the Point of Tangent for a corner of this tract;

THENCE, N 12° 39' 43" W (S 12° 42' 45" E 2703.16') continuing with the easterly Right of Way of said F.M. 3478 and generally with fence a distance of 2699.86 ft. to another found concrete monument for the north corner of this tract and an angle corner of said right of way line, from which another found concrete monument bears N 29° 12' 28" E 127.67 ft. (S 29° 32' 39" W 129.31');

THENCE, N 84° 36' 29" E, leaving said right of way line, a distance of 4368.03 ft. to a set 5/8" iron rod with cap "TEXAS GLO" on an easterly line of said 2507.09 acre tract and a westerly line of said 4928.35 acre tract, 4.12 ft. northeast of fence, for the northeast corner of this tract, from which a set 5/8" iron rod with cap "TEXAS GLO" for an angle corner of said tracts bears N 24° 30' 10" W 681.98 ft.;

THENCE, S 24° 30' 10" E (N 24° 30' 10" W 1028.50') with said line a distance of 346.66 ft. to a found old car axle 0.90' northeast of fence for an angle corner of said tracts and of this tract;

THENCE, S 25° 21' 25" E (N 25° 21' 25" W 2803.75') with another line of said tracts a distance of 2804.12 ft. to another found old car axle 0.90' southwest of fence for an angle corner of said tracts and this tract;

THENCE, S 25° 57' 35" E (N 25° 57' 35" W 975.68') with another line of said tracts a distance of 975.81 ft. to a set 5/8" iron rod with cap "TEXAS GLO" 7.10' northeast of fence for an angle corner of said tracts and of this tract;

THENCE, S 25° 34' 15" E (N 25° 34' 15" W 2481.39') with another line of said tracts, at 2475.7 ft. pass fence, in all a distance of 2481.72 ft. to the Place of Beginning and containing 895.99 acres of land.

This description was prepared from an actual survey performed on the ground on June 3, 2003 and is accompanied by a survey plat with the same date and is made a part hereof. The Coordinates and Bearings shown are Grid based on the Texas State Plane Coordinate System - NAD 1927, South Zone. Distances shown are Horizontal Surface Measurements in feet. Record information is shown in parenthesis. Record information was obtained from the Walker County Clerk's Office, the State of Texas Department of Criminal Justice, and the State of Texas General Land Office.

; and

(2) Central Unit, Sugar Land, Fort Bend County, Texas, generally described as:

M.M. Battle League, Abstract No. 9, Alexander Hodge League, Abstract No. 32, Fort Bend County 325.74 acres Parcel A (229.58 acres) is located on the north side of US Highway 90A west of the Sugar Land Municipal Airport. Parcel B (96.16 acres) is located at the northwest corner of State Highway 6 and US Highway 90A in Sugar Land.

(b) Property held by the Texas Department of Transportation is described as follows:

Bull Creek Camp Hubbard Annex State Headquarters, 28.912 acres, GLO ID #747, located at 4305 Bull Creek Road, Austin, Travis County, Texas, more particularly described as follows:

BEING A 28.912 ACRE TRACT OF LAND SITUATED IN THE GEORGE W. SPEAR SURVEY, LEAGUE NO. 7, ABSTRACT NO. 697 IN TRAVIS COUNTY, TEXAS, BEING PART OF THAT CERTAIN 75.79 ACRE TRACT OF LAND, AS DESCRIBED IN A DEED TO THE STATE OF TEXAS, STATE DEPARTMENT OF HIGHWAYS AND PUBLIC TRANSPORTATION OF RECORD IN VOLUME 1086, PAGE 452, REAL PROPERTY RECORDS TRAVIS COUNTY, TEXAS, DATED OCTOBER 28, 1988, SAID 28.912 ACRE TRACT BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH:

BEGINNING at a brass disk in concrete found for the most southerly corner of said 75.79 acre tract, being also the northwest corner of Lot 1, Ridgelea a subdivision of record in Book 4, Page 258 of the Plat Records of Travis County,

Texas and being in the east line of Bull Creek Road, a 60 foot wide right-of-way, said monument having a Texas State Plane Coordinate, Central Zone coordinate of N=10,087,759.67 and E=3,111,175.08;

(1) THENCE N 23°52'30" W, with the west line of said 75.79 acre tract and the east line of said Bull Creek Road, for a distance of 2033.82 feet to a brass disk in concrete found at the beginning of a curve to the right;

(2) THENCE in a northerly direction with the west line of said 75.79 acre tract and the east line of said Bull Creek Road, along said curve to the right, same having a central angle 50°33'42", and a radius of 199.11 feet, an arc distance of 175.71 feet to a brass disk in concrete found at the end of said curve

(3) THENCE N 26°42'45" E, with the west line of said 75.79 acre tract and the east line of said Bull Creek Road, for a distance of 261.64 feet to a 1/2 inch iron rod with cap found for an angle point;

(4) THENCE S 62°31'59" E, departing the east line of said Bull Creek Road and over and across said 75.79 acre tract, with the east line of the herein described tract, for a distance of 89.17 feet to a 1/2 inch iron rod with cap found for an angle point;

(5) THENCE S 81°57'55" E, continuing with over and across said 75.79 acre tract, with the east line of the herein described tract, for a distance of 278.39 feet to a 1/2 inch iron rod with cap found for an angle point;

(6) THENCE N 25°54'29" E, continuing with over and across said 75.79 acre tract, with the east line of the herein described tract, for a distance of 209.60 feet to a 1/2 inch iron rod with aluminum cap stamped "TxDOT" set for an angle point;

(7) THENCE S 63°17'24" E, continuing with over and across said 75.79 acre tract, with the east line of the herein described tract, for a distance of 128.50 feet to a brass disk in concrete found for an angle point;

(8) THENCE S 14°01'54" E, continuing with over and across said 75.79 acre tract, with the east line of the herein described tract, for a distance of 894.06 feet to a brass disk in concrete found for an angle point;

(9) THENCE S 06°28'23" W, continuing with over and across said 75.79 acre tract, with the east line of the herein described tract, for a distance of 308.12 feet to a brass disk in concrete found for an angle point;

(10) THENCE S 23°53'13" E, continuing with over and across said 75.79 acre tract, with the east line of the herein described tract, at a distance of 649.77 feet pass a brass disk in concrete found, for a total distance of 654.91 feet to a 1/2 inch iron rod with aluminum cap stamped "TxDOT" found for the southeast corner of the herein described tract, being also in the southeast line of said 75.79 acre tract and being in the northwest line of Lot 11 of said Ridgelea subdivision;

(11) THENCE S 31°33'51" W, with the southeast line of said 75.79 acre tract and the northwest line of said Ridgelea subdivision, for a distance of 257.58 feet to a 1/2 inch iron pipe found for an angle point;

(12) THENCE S 28°06'08" W, with the southeast line of said 75.79 acre tract and the northwest line of said Ridgelea subdivision, for a distance of 365.51 feet to the POINT OF BEGINNING and containing 28.912 acres of land.

NOTE: Bearings are based on NAD 83, Datum, Texas State Plane Coordinate System, North Central Zone, with all distances and coordinates adjusted to the surface by a combined scale factor of 1.0001.

(c) Property held by the Texas Facilities Commission is described as follows:

(1) Bull Creek New State Cemetery, 46.19 acres, GLO ID #2402, located at 4203 Bull Creek Road, Austin, Travis County, Texas, more particularly described as follows:

BEING 44.07 ACRES OF LAND OUT OF THE GEORGE W. SPEAR LEAGUE IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AND BEING OUT OF AND A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED BY DEED TO THE STATE OF TEXAS AS RECORDED IN VOLUME 776, PAGE 225, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS. SAID 44.07 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a set brass cap in concrete for the northwest corner of said State of Texas tract, same being the west corner of Lot 34 of Shoal Village, Section Two, a subdivision in the City of Austin, Texas, as recorded in Book 5, Page 150, of the Plat Records of Travis County, Texas, and being on the east right-of-way line of Bull Creek Road (an existing 60' R/W) and being the northwest corner of this tract;

(1) THENCE S 62° 05' 02" E, along the north line of said State of Texas tract of land, same being the south line of said subdivision, a distance of 919.08 feet to a set brass cap in concrete for an angle point in the north line of said State of Texas, tract of land same being an angle point in the south line of Lot 45 of Shoal Village, Section Three, a subdivision of record in the City of Austin, Texas, as recorded in Book 6, Page 71, of the Plat Records of Travis County, Texas;

(2) THENCE along the north line of said State of Texas, tract of land, same being the south line of the following subdivisions in the City of Austin, Texas, said Shoal Village, Section Three, Shoal Village, Sec. 5, as recorded in Plat Book 6, Page 72, of the Plat Records of Travis County, Texas, Shoal Village, Sec. 6, as recorded in Plat Book 7, Page 7, of the Plat Records of Travis County, Texas, Shoal Village, Section Seven, as recorded in Plat Book 14, Page 80, of the Plat Records of Travis County, Texas, Oak Haven, Section Three, as recorded in Book 11, Page 40, of the Plat Records of Travis County, Texas, the following two (2) courses and distances:

1. S 63° 02' 45" E, a distance of 306.61 feet, a 1/2" iron rod found, and

2. S 63° 11' 57" E, a distance of 327.57 feet to the point of intersection with the centerline of Shoal Creek for the northeast corner of this tract;

(3) THENCE along the centerline of Shoal Creek with it's meanders, same being the east line of this tract, the following seven (7) courses and distances:

1. S 03° 49' 32" E, a distance of 146.37 feet, a 1/2" I. R. set,

2. S 11° 51' 40" W, a distance of 68.56 feet, a 1/2" I. R. set,
3. S 17° 44' 58" E, a distance of 255.55 feet, a 1/2" I. R. set,
4. S 11° 22' 50" W, a distance of 433.59 feet, a 1/2" I. R. set,
5. S 01° 30' 40" E, a distance of 208.10 feet, a 1/2" I. R. set,
6. S 03° 34' 39" E, a distance of 163.82 feet, a 1/2" I. R. set, and
7. S 12° 53' 44" E, a distance of 44.69 feet, to a P. K. nail set in

concrete for the southeast corner of this tract;

(4) THENCE N 62° 12' 25" W, departing from said Shoal Creek, passing the northeast corner of Lot 24 of Ridgelea, a subdivision in the City of Austin, Texas, as recorded in Book 4, Page 258, of the Plat Records of Travis County, Texas, at 59.90 feet, a total distance of 414.19 feet to a found 1/2" iron rod under concrete for the most northerly corner of Lot 21 of said Ridgelea subdivision, said point also being a re-entrant corner of this tract;

(5) THENCE S 31° 29' 35" W, along the most southerly east line of said State of Texas tract of land, same being the west line of said Ridgelea subdivision, a distance of 715.50 feet to a 1/2" iron rod set for a southwest corner of this tract, from this point the northwest corner of Lot 11, same being the southwest corner of Lot 12, of said Ridgelea subdivision bears N 31° 29' 35" E, a distance of 10.64 feet;

(6) THENCE through said State of Texas tract of land the following four (4) courses and distances:

1. N 23° 52' 33" W, passing a brass cap in concrete set at 5.00 feet, a total distance of 654.65 feet to a brass cap in concrete set for a corner,

2. N 06° 26' 42" E, a distance of 308.11 feet, a brass cap in concrete set for a corner,

3. N 14° 01' 31" W, a distance of 894.05 feet, a brass cap in concrete set for a corner, and

4. N 63° 17' 00" W, a distance of 478.50 feet to a brass cap set in concrete at the point of intersection with the east right-of-way line of Bull Creek Road, same being the west line of said State of Texas tract of land, and being the most northerly southwest corner of this tract;

(7) THENCE N 26° 43' 00" E, along said right-of-way line, a distance of 496.30 feet to the Point of Beginning, and containing 44.07 acres of land, more or less; and

BEING A 2.120 ACRE (92,350 SQUARE FEET) TRACT OF LAND OUT OF THE GEORGE W. SPEAR LEAGUE IN TRAVIS COUNTY, TEXAS. SAID 2.120 ACRE TRACT OF LAND ALSO BEING OUT OF A 31.12 ACRE TRACT HAVING BEEN CONVEYED TO THE STATE OF TEXAS BY INSTRUMENT OF RECORD IN VOLUME 776, PAGE 225, DEED RECORDS OF TRAVIS COUNTY, TEXAS. SAID 2.120 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a brass disk in concrete found on the southeasterly right of way line of Bull Creek Road. Said disk also being at the northernmost corner of said 31.12 acre tract and the westernmost corner of a 44.07 acre tract also out of the tract described in volume 776, page 225 for the northernmost corner of the herein described tract;

Thence, S63° 17' 00"E, 350.00 feet with the northeasterly line of said 31.12 acre tract and a southwesterly line of said 44.07 acre tract to a 1/2" iron rod set for the easternmost corner of the herein described tract;

Thence, S26° 42' 58"W, 205.49 feet with the southeast line of this 2.120 acre tract to a 1/2" iron rod set for the herein described tract, nearby a concrete driveway;

Thence, N82° 57' 38"W, 276.95 feet following a concrete driveway to a 1/2" iron rod set for an angle point of the herein described tract;

Thence, N62° 30' 47"W, 89.24 feet continuing along a concrete driveway to a 1/2" iron rod set on the southeasterly right of way line of Bull Creek Road and the westernmost corner of the herein described tract;

THENCE, N26° 43' 00"E, 297.55 feet with the southeasterly line of Bull Creek Road and the northwesterly line of this 2.120 acre tract to the POINT OF BEGINNING and containing 2.120 acre (92,350 square feet) of land.

(2) Parking Lot 19, 0.7887 acres, GLO ID #1905, located at 203 Martin Luther King Boulevard, Austin, Travis County, Texas, more particularly described as follows:

METES AND BOUNDS DESCRIPTION OF A SURVEY OF 34,354 SQUARE FEET OF LAND OR 0.7887 OF ONE ACRE OF LAND, BEING THE NORTHEAST ONE-QUARTER (1/4), THE NORTH ONE-HALF (1/2) OF THE SOUTHEAST ONE-QUARTER (1/4), THE EAST FIVE (5) FEET OF THE NORTHWEST ONE-QUARTER (1/4) AND THE EAST FIVE (5) FEET OF THE NORTH ONE-HALF (1/2) OF THE SOUTHWEST ONE-QUARTER (1/4) OF OUTLOT 42, DIVISION "E" OF THE GOVERNMENT TRACT ADJOINING THE ORIGINAL CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, ACCORDING TO THE PLAT ON FILE IN THE GENERAL LAND OFFICE OF THE STATE OF TEXAS, SAID TRACT OF LAND BEING DESCRIBED IN A DEED FROM TEXAS KAPPA SIGMA EDUCATIONAL FOUNDATION, INC. TO THE STATE OF TEXAS IN VOLUME 4794, PAGE 2010, DEED RECORDS OF TRAVIS COUNTY, TEXAS, AS SURVEYED FOR THE GENERAL LAND OFFICE OF THE STATE OF TEXAS BY METCALFE & SANDERS, INC., LAND SURVEYORS, 4800 SOUTH CONGRESS AVENUE, AUSTIN, TEXAS, SAID 34,354 SQUARE FEET OF LAND OR 0.7887 OF ONE ACRE OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

Commencing for reference at City of Austin 1/4" brass pin in concrete found at the intersection of the monumented base line of West 18th Street with the monumented base line of Colorado Street, and from which 1/4" brass pin in concrete found a City of Austin 1/4" brass pin in concrete found at the intersection of the monumented base line of West 18th Street with the monumented base line of Congress Avenue bears, S 70°44'00" E 440.19 feet;

Thence with the monumented base line of West 18th Street, N 70°43'55" W 40.00 feet to a calculated point;

Thence with a line forty (40) feet west of and parallel with the reconstructed base line of Colorado Street and with the east line of Outlot 42, Division "E" of the Government Tract Adjoining the Original City of Austin, Travis County,

Texas, according to the plat on file in the General Land Office of the State of Texas, being also with the west line of Colorado Street and with the most southerly east line of that 1.242 acre tract of land, described as being a portion of the west one-half (1/2) and the south one-half (1/2) of the southeast one-quarter (1/4) of said Outlot 42, Division "E", in a Correction Deed from James H. Coker to Cambridge Tower Corporation in Volume 6769, Page 11, Deed Records of Travis County, Texas, N 18°58'55" E at 29.99 feet passing a 3/4" iron pipe found 0.02 of one foot west of line, at 30.00 feet passing a calculated point at the southeast corner of said Outlot 42, Division "E" and the intersection of the west line of Colorado Street with the north line of West 18th Street, said calculated point being also the southeast corner of the said Cambridge Tower Corporation 1.242 acre tract, in all 110.03 feet to a 1/2" iron pipe found at the most southerly northeast corner of the said Cambridge Tower Corporation 1.242 acre tract and the southeast corner of that tract of land, described as being the northeast one-quarter (1/4), the north one-half (1/2) of the southeast one-quarter (1/4), the east five (5) feet of the northwest one-quarter (1/4) and the east five (5) feet of the north one-half (1/2) of the southwest one-quarter (1/4) of said Outlot 42, Division "E" in a deed from Kappa Sigma Educational Foundation, Inc. to The State of Texas in Volume 4794, Page 2010, Deed Records of Travis County, Texas, for the POINT OF BEGINNING and southeast corner of the herein described tract;

(1) THENCE with the north line of the south one-half (1/2) of the southeast one-quarter (1/4) of said Outlot 42, Division "E", the south line of the north one-half (1/2) of the southeast one-quarter (1/4) of said Outlot 42, Division "E" and the south line of the east five (5) feet of the north one-half (1/2) of the southwest one-quarter (1/4) of said Outlot 42, Division "E, and being also with the south line of the said The State of Texas tract and the most southerly north line of the said Cambridge Tower Corporation 1.242 acre tract, N 70°43'50" W at 138.10 feet passing a 1/2" steel pin previously set and found this date at the intersection of the west line of the east one-half (1/2) of said Outlot 42, Division "E" and the east line of the west one-half (1/2) of said Outlot 42, Division "E" with the north line of the south one-half (1/2) of the south one-half (1/2) of said Outlot 42, Division "E" and the south line of the north one-half (1/2) of the south one-half (1/2) of said Outlot 42, Division "E", in all 143.10 feet to a calculated point for the southwest corner of the said The State of Texas tract and an interior corner of the said Cambridge Tower Corporation 1.242 acre tract, for the southwest corner of the herein described tract;

(2) THENCE with the west line of the said The State of Texas tract and the most northerly east line of the said Cambridge Tower Corporation 1.242 acre tract, being also with the west line of the east five (5) feet of the north one-half (1/2) of the southwest one-quarter (1/4) of said Outlot 42, Division "E" and with the west line of the east five (5) feet of the northwest one-quarter (1/4) of said Outlot 42, Division "E", N 18°59'15" E 240.10 feet to a 1/2" steel pin found in the north line of said Outlot 42, Division "E" and the south line of West Martin Luther King, Jr. Boulevard (West 19th Street) at the northwest corner of the said The State of Texas tract and the most northerly northeast corner of the said Cambridge Tower Corporation 1.242 acre tract, said 1/2" steel pin found being

also the northwest corner of the east five (5) feet of the northwest one-quarter (1/4) of said Outlot 42, Division "E", for the northwest corner of the herein described tract;

(3) THENCE with the south line of West Martin Luther King, Jr. Boulevard and the north line of said Outlot 42, Division "E", being also with the north line of the said The State of Texas tract, S 70°43'35" E a 5.00 feet passing a 1/2" steel pin previously set and found this date for the northeast corner of the northwest one-quarter (1/4) of said Outlot 42, Division "E" and the northwest corner of the northeast one-quarter (1/4) of said Outlot 42, Division "E", in all 143.07 feet to a PK nail previously set and found this date in the north face of a brick step at the intersection of the south line of West Martin Luther King, Jr. Boulevard with the west line of Colorado Street for the northeast corner of said Outlot 42, Division "E" and the northeast corner of the said The State of Texas tract, for the northeast corner of the herein described tract;

(4) THENCE with the west line of Colorado Street and the east line of said Outlot 42, Division "E", being also with the east line of the said The State of Texas tract, S 18°58'55" W 240.09 feet to the POINT OF BEGINNING of the herein described tract, containing 34,354 square feet of land or 0.7887 of one acre of land.

(3) Service Station, GLO ID #1913, located at 1500 San Jacinto Street, Austin, Travis County, Texas, more particularly described as follows:
LOTS 6 & 7 BLK. 54, DIV E ORIGINAL CITY OF AUSTIN, TRAVIS COUNTY, TX.

(4) Parking Garage B/G/Lot 22, more particularly described as follows:

76,032 square feet of land, being Outlot 55, Division "E", of the Government Outlots adjoining the Original City of Austin, Texas, according to the map or plat of record in the General Land Office.

BEGINNING at an iron pin set at the most Southerly corner of the tract herein described, said iron pin set bears N 71° 08' W, 40.00' and N 19° 01' E, 50.00' from a monument found at the intersection of the centerlines of East 15th Street and Trinity Street;

THENCE; N 71° 08' W, 275.82' along the Northerly R.O.W. line of East 15th Street, 50' North of and parallel to the monumented centerline of East 15th Street to a concrete nail at the intersection of the Northerly R.O.W. line of East 15th Street and the Easterly R.O.W. line of San Jacinto Street;

THENCE; N 19° 01' E, 275.54' along the Easterly R.O.W. line of San Jacinto Street to an "X" in concrete at the intersection of the Easterly R.O.W. line of San Jacinto Street and the Southerly R.O.W. line of East 16th Street;

THENCE; S 71° 11' E, 275.80' along the Southerly R.O.W. line of East 16th Street to an iron pin set at the intersection of the Southerly R.O.W. line of East 16th Street and the Westerly R.O.W. line of Trinity Street;

THENCE; S 19° 01' W, 275.82' along the Westerly R.O.W. line of Trinity Street to the PLACE OF BEGINNING, containing 76,032 square feet of land as surveyed November, 1973, by Otis B. Autry, Registered Public Surveyor.

; and

(5) Austin Bolm Road Warehouse, more particularly described as follows:

Lot 25-A, Capitol Business Park, 1-A, a Subdivision of Travis County according to the plat recorded Volume 81 page 110 Plat records. The property was purchased by the State of Texas on June 19, 1989 from STRAFCO INC recorded Volume 10963 page 1000, Travis County Deed Records

(d) Property held by the Health and Human Services Commission is described as follows:

(1) Abilene State Supported Living Center (part), Parcel A, 33.039 acres, GLO ID #752, located at 2501 Maple Street, Abilene, Taylor County, Texas, more particularly described as follows:

BEING 33.039 ACRES OF LAND SITUATED IN THE EAST HALF OF SECTION 51, CITY OF ABILENE, TAYLOR COUNTY, TEXAS AND THAT CERTAIN 637.337 ACRE TRACT DESCRIBED IN INSTRUMENT TO THE TEXAS DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION AS RECORDED IN VOLUME 14, PAGE 127 OF THE COUNTY RECORDS OF TAYLOR COUNTY, TEXAS AND FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT A STANDARD TYPE II TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) MARKER FOUND ON THE APPARENT NORTHERLY RIGHT-OF-WAY LINE OF SOUTH 27TH STREET (A CALLED 100-FOOT WIDE RIGHT-OF-WAY) AND ON THE WESTERLY RIGHT-OF-WAY LINE OF OLDHAM ROAD [~~FARM TO MARKET ROAD No. 1759~~] (A CALLED 100-FOOT WIDE RIGHT-OF-WAY) AND BEING 5,096.4 FEET EAST AND 2,631.0 FEET SOUTH OF A CONCRETE MONUMENT WITH BRASS CAP STAMPED ABILENE STATE HOSPITAL No. 1 FOUND BEING A CALLED 70-FOOT OFFSET FROM THE NORTHWEST CORNER OF THE SOUTH HALF OF SECTION 51;

THENCE SOUTH 89°56'02" WEST ALONG SAID NORTHERLY LINE OF SOUTH 27TH STREET, 326.03 FEET TO A CONCRETE MARKER WITH BRASS DISK FOUND FOR THE BEGINNING OF A CURVE TO THE LEFT; THENCE WESTERLY CONTINUING ALONG SAID NORTHERLY LINE AND THE ARC OF SAID CURVE TO THE LEFT PASSING A 1-1/2-INCH IRON PIPE FOUND AT 379.04 FEET AND CONTINUING FOR A TOTAL DISTANCE OF 390.10 FEET, HAVING A CENTRAL ANGLE OF 16°16'29", A RADIUS OF 1,373.35 AND WHOSE LONG CHORD BEARS SOUTH 81°47'47" WEST, 388.79 FEET TO A 5/8-INCH IRON ROD WITH PLASTIC CAP STAMPED "SURVCON INC" SET;

THENCE NORTH 00°00'00" EAST PARALLEL TO SAID WESTERLY LINE OF OLDHAM ROAD, 2,063.60 FEET TO A 5/8-INCH IRON ROD WITH PLASTIC CAP STAMPED "SURVCON INC" SET;

THENCE NORTH 88°56'07" EAST, 710.96 FEET TO A 5/8-INCH IRON ROD WITH PLASTIC CAP STAMPED "SURVCON INC" SET ON SAID WESTERLY LINE OF OLDHAM ROAD;

THENCE SOUTH 00°00'00" WEST ALONG SAID WESTERLY LINE OF OLDHAM ROAD, PASSING A STANDARD TYPE II TXDOT MARKER AT 867.79 FEET AND CONTINUING FOR A TOTAL DISTANCE OF 2,020.96 FEET TO THE POINT OF BEGINNING AND CONTAINING A COMPUTED AREA OF 33.039 ACRES OF LAND.

(2) Rio Grande State Center (part), Parcel B, 14.18 acres, GLO ID #736, located at 1401 South Rangerville Road, Harlingen, Cameron County, Texas, more particularly described as follows:

Lying and situated in the City of Harlingen, Cameron County, Texas, said land being described by metes and bounds as follows:

Beginning at the Southwest corner of Block 93 of the Harlingen Land and Water Company Subdivision, Cameron County, Texas, as the map of said subdivision is recorded in Vol. 1, Page 12, of the Map Records of Cameron County, Texas;

Thence, North 00 deg. 12 min. West a distance of 10 feet to a point of beginning for the tract herewith described, and being the Southwest corner of the tract herewith described; said point being on the West boundary line of said Block 93, such boundary line being also the East boundary line of the right-of-way of Canal No. 3 of the Cameron County Water Control and Improvement District No. 1, Cameron County, Texas, said point also being on the North right-of-way line of Rio Hondo Road, a public road of Cameron County, Texas;

Thence, North 89 deg. 48 min. East a distance of 859.0 feet to a point, this boundary line being parallel to and 10 feet North of the South boundary line of said Block 93, and also being the North right-of-way line of said Rio Hondo Road;

Thence, North 00 deg. 12 min. West a distance of 719 feet to a point;

Thence, South 89 deg. 48 min. West a distance of 859 feet to a point, said point being on the line being the West boundary line of said Block 93 and the East boundary line of said right-of-way for said Canal No. 3;

Thence, South 00 deg. 12 min. East along said West boundary line of said Block 93 (being also the East boundary line of said right-of-way for Canal No. 3) a distance of 719 feet to the point of beginning of the tract herewith described and herein being conveyed, and containing 14.18 acres of land, more or less.

(3) San Angelo State Supported Living Center (part), Parcel B, 0.3214 acres GLO ID #767, located on US HWY 87 North, Carlsbad, Tom Green County, Texas, generally described as follows:

The 0.3214 acre tract consists of 2 (50' X 140') town lots legally described as Lots 10 and 11, Block 137, unincorporated Town of Carlsbad, Tom Green County, Texas.

(4) Marlin Robert E. Lee Group Home, 0.247 acres, GLO ID #2139, located at 1606 Robert E. Lee Drive, Marlin, Falls County, Texas, more particularly described as follows:

All that certain lot or parcel of land, situated in the Northeast portion of the City of Marlin, Falls County, Texas, out of the T J Chambers and A De La Serda conflicting grants, and being part of that certain Cullen Rogers 9.553 acre tract, more particularly described as Lot 11, Block 2, Plantation Acres Subdivision as shown per final plat of record in Vol. 2, Page 47, Fall County Plat Records;

Beginning at an iron rod for the Northeast corner of Rogers 9.553 acres and Northeast corner of Lot 11, Block 2 mentioned above;
 Thence S 29°46'29" E 95.91 ft. with center line 15 ft. utility easement to an iron rod for the Southeast corner of Lot 11;
 Thence S 61°52'30" W 115.5 ft. to an iron rod for the Southwest corner of said Lot 11, in the East line of Robert E. Lee Drive;
 Thence N 28°07'30" W 92.63 ft. along the East line of Robert E. Lee Drive to an iron rod for the Northwest corner of Lot 11, a point in the North line of Rogers 9.553 acres;
 Thence N 60°13'33" E 112.79 ft. to the place of beginning containing 0.247 acres of land.
 ; and

(5) Wortham Twin Circle Group Home, 0.344 acres, GLO ID #2144, located at 115 Twin Circle Drive, Wortham, Freestone County, Texas, more particularly described as follows:

Being a 15,000 square foot or 0.344 acre tract of land identified as Lot 8, Block 2, Twin Circle Estates Addition, City of Wortham, Freestone County, Texas.

(e) Property held by the Parks and Wildlife Department is described as follows:

McKinney Falls Park/State Headquarters (part), Parcel B, 13 acres GLO ID #72, located at 4200 Smith School Road, Austin, Travis County, Texas, generally described as follows:

A 13 acre tract, more or less, out of the Santiago Del Valle Grant, Austin, Travis County, Texas, being that part of the McKinney Falls State Park/Headquarters lying west of East Stassney Lane.

SECTION ____04. DISPOSITION OF PROCEEDS. The proceeds from the sales authorized by Section 1 of this Act shall be deposited in the state treasury to the credit of the general revenue fund.

SECTION ____05. STATE CEMETERY. Section 2165.256(b), Government Code, is amended to read as follows:

(b) ~~[In addition to the property described as] Lot No. 5, Division B, City of Austin, Travis County, Texas, [the following property] is dedicated for cemetery purposes as part of the State Cemetery. [- BEING 44.07 ACRES OF LAND OUT OF THE GEORGE W. SPEAR LEAGUE IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AND BEING OUT OF AND A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED BY DEED TO THE STATE OF TEXAS AS RECORDED IN VOLUME 776, PAGE 225, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS. SAID 44.07 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:~~

~~[BEGINNING at a set brass cap in concrete for the northwest corner of said State of Texas tract, same being the west corner of Lot 34 of Shoal Village, Section Two, a subdivision in the City of Austin, Texas, as recorded in Book 5, Page 150, of the Plat Records of Travis County, Texas, and being on the east right of way line of Bull Creek Road (an existing 60' R/W) and being the northwest corner of this tract;~~

~~[(1) THENCE S 62° 05' 02" E, along the north line of said State of Texas tract of land, same being the south line of said subdivision, a distance of 919.08 feet to a set brass cap in concrete for an angle point in the north line of said State of Texas, tract of land same being an angle point in the south line of Lot 45 of Shoal Village, Section Three, a subdivision of record in the City of Austin, Texas, as recorded in Book 6, Page 71, of the Plat Records of Travis County, Texas;~~

~~[(2) THENCE along the north line of said State of Texas, tract of land, same being the south line of the following subdivisions in the City of Austin, Texas, said Shoal Village, Section Three, Shoal Village, Sec. 5, as recorded in Plat Book 6, Page 72, of the Plat Records of Travis County, Texas, Shoal Village, Sec. 6, as recorded in Plat Book 7, Page 7, of the Plat Records of Travis County, Texas, Shoal Village, Section Seven, as recorded in Plat Book 14, Page 80, of the Plat Records of Travis County, Texas, Oak Haven, Section Three, as recorded in Book 11, Page 40, of the Plat Records of Travis County, Texas, the following two (2) courses and distances:~~

~~[1. S 63° 02' 45" E, a distance of 306.61 feet, a 1/2" iron rod found,~~
and

~~[2. S 63° 11' 57" E, a distance of 327.57 feet to the point of intersection with the centerline of Shoal Creek for the northeast corner of this tract;~~

~~[(3) THENCE along the centerline of Shoal Creek with it's meanders, same being the east line of this tract, the following seven (7) courses and distances:~~

~~[1. S 03° 49' 32" E, a distance of 146.37 feet, a 1/2" I. R. set,
[2. S 11° 51' 40" W, a distance of 68.56 feet, a 1/2" I. R. set,
[3. S 17° 44' 58" E, a distance of 255.55 feet, a 1/2" I. R. set,
[4. S 11° 22' 50" W, a distance of 433.59 feet, a 1/2" I. R. set,
[5. S 01° 30' 40" E, a distance of 208.10 feet, a 1/2" I. R. set,
[6. S 03° 34' 39" E, a distance of 163.82 feet, a 1/2" I. R. set, and
[7. S 12° 53' 44" E, a distance of 44.69 feet, to a P. K. nail set in concrete for the southeast corner of this tract;~~

~~[(4) THENCE N 62° 12' 25" W, departing from said Shoal Creek, passing the northeast corner of Lot 24 of Ridgelea, a subdivision in the City of Austin, Texas, as recorded in Book 4, Page 258, of the Plat Records of Travis County, Texas, at 59.90 feet, a total distance of 414.19 feet to a found 1/2" iron rod under concrete for the most northerly corner of Lot 21 of said Ridgelea subdivision, said point also being a re-entrant corner of this tract;~~

~~[(5) THENCE S 31° 29' 35" W, along the most southerly east line of said State of Texas tract of land, same being the west line of said Ridgelea subdivision, a distance of 715.50 feet to a 1/2" iron rod set for a southwest corner of this tract, from this point the northwest corner of Lot 11, same being the southwest corner of Lot 12, of said Ridgelea subdivision bears N 31° 29' 35" E, a distance of 10.64 feet;~~

~~[(6) THENCE through said State of Texas tract of land the following four (4) courses and distances:~~

~~[1. N 23° 52' 33" W, passing a brass cap in concrete set at 5.00 feet, a total distance of 654.65 feet to a brass cap in concrete set for a corner;~~

~~[2. N 06° 26' 42" E, a distance of 308.11 feet, a brass cap in concrete set for a corner;~~

~~[3. N 14° 01' 31" W, a distance of 894.05 feet, a brass cap in concrete set for a corner; and~~

~~[4. N 63° 17' 00" W, a distance of 478.50 feet to a brass cap set in concrete at the point of intersection with the east right of way line of Bull Creek Road, same being the west line of said State of Texas tract of land, and being the most northerly southwest corner of this tract;~~

~~[(7) THENCE N 26° 43' 00" E, along said right of way line, a distance of 496.30 feet to the Point of Beginning, and containing 44.07 acres of land, more or less; and~~

~~[BEING A 2.120 ACRE (92,350 SQUARE FEET) TRACT OF LAND OUT OF THE GEORGE W. SPEAR LEAGUE IN TRAVIS COUNTY, TEXAS. SAID 2.120 ACRE TRACT OF LAND ALSO BEING OUT OF A 31.12 ACRE TRACT HAVING BEEN CONVEYED TO THE STATE OF TEXAS BY INSTRUMENT OF RECORD IN VOLUME 776, PAGE 225, DEED RECORDS OF TRAVIS COUNTY, TEXAS. SAID 2.120 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:~~

~~[BEGINNING, at a brass disk in concrete found on the southeasterly right of way line of Bull Creek Road. Said disk also being at the northernmost corner of said 31.12 acre tract and the westernmost corner of a 44.07 acre tract also out of the tract described in volume 776, page 225 for the northernmost corner of the herein described tract;~~

~~[Thence, S63° 17' 00"E, 350.00 feet with the northeasterly line of said 31.12 acre tract and a southwesterly line of said 44.07 acre tract to a 1/2" iron rod set for the easternmost corner of the herein described tract;~~

~~[Thence, S26° 42' 58"W, 205.49 feet with the southeast line of this 2.120 acre tract to a 1/2" iron rod set for the herein described tract, nearby a concrete driveway;~~

~~[Thence, N82° 57' 38"W, 276.95 feet following a concrete driveway to a 1/2" iron rod set for an angle point of the herein described tract;~~

~~[Thence, N62° 30' 47"W, 89.24 feet continuing along a concrete driveway to a 1/2" iron rod set on the southeasterly right of way line of Bull Creek Road and the westernmost corner of the herein described tract;~~

~~[THENCE, N26° 43' 00"E, 297.55 feet with the southeasterly line of Bull Creek Road and the northwesterly line of this 2.120 acre tract to the POINT OF BEGINNING and containing 2.120 acre (92,350 square feet) of land.]~~

SECTION ____ .06. EFFECTIVE DATE. This Act takes effect September 1, 2011.

Amendment No. 147 failed of adoption by (Record 52): 67 Yeas, 72 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Beck; Branch; Castro; Chisum; Davis, S.; Deshotel; Driver; Eiland; Eissler; Farrar; Gallego; Garza; Geren; Gonzales, V.; Gonzalez; Gutierrez; Hardcastle; Hernandez Luna;

Hochberg; Howard, C.; Howard, D.; Isaac; Jackson; Keffer; King, T.; Kleinschmidt; Kuempel; Larson; Lavender; Legler; Lewis; Lozano; Lucio; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; Menendez; Muñoz; Murphy; Oliveira; Orr; Otto; Parker; Pitts; Quintanilla; Reynolds; Ritter; Rodriguez; Sheets; Simpson; Smith, W.; Solomons; Strama; Taylor, V.; Veasey; Villarreal; Vo; Workman; Zerwas.

Nays — Aliseda; Anderson, C.; Aycock; Berman; Bonnen; Brown; Burkett; Button; Cain; Callegari; Carter; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Dukes; Dutton; Elkins; Fletcher; Flynn; Frullo; Gonzales, L.; Gooden; Guillen; Hamilton; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Huberty; Hughes; Hunter; Johnson; King, P.; King, S.; Kolkhorst; Landtroop; Laubenberg; McClendon; Miles; Miller, D.; Miller, S.; Morrison; Naishat; Nash; Patrick; Paxton; Perry; Phillips; Pickett; Price; Raymond; Riddle; Schwertner; Scott; Sheffield; Shelton; Smith, T.; Smithee; Taylor, L.; Thompson; Torres; Truitt; Turner; Weber; White; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Burnam; Hancock; Walle; Woolley.

Absent — Coleman; Farias; Giddings; Lyne; Peña.

STATEMENT OF VOTE

I was shown voting yes on Record No. 52. I intended to vote no.

Orr

Amendment No. 148

Representative Christian offered the following amendment to **CSSB 1**:
Floor Packet Page No. 453

Amend **CSSB 1** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

Sec. _____. Funding of Student Centers for Family and Traditional Values. It is the intent of the Legislature that an institution of higher education shall not use any amount of appropriated funds and/or state property, facility and or building to support a gender and sexuality center or other center for students focused on gay, lesbian, homosexual, bisexual, pansexual, transsexual, transgender, gender questioning, or other gender identity issues.

Amendment No. 149

Representative Veasey offered the following amendment to Amendment No. 148:

Amend Floor Amendment No. 148 by Christian (page 453, prefiled amendments packet) by striking the text of the amendment and substituting the following:

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered article to the bill, to read as follows:

ARTICLE ____ . SUPPORT OF STUDENT CENTERS

SECTION ____ .01. FUNDING OF STUDENT CENTERS. An institution of higher education, when making determinations regarding the institution's support, using money, staffing, or property, of a student center or similar facility for students of the institution, may not consider creed, race, color, sex, gender, ethnicity, or national origin of the students served or proposed to be served by the center or facility.

Amendment No. 149 was withdrawn.

Amendment No. 150

Representative Veasey offered the following amendment to Amendment No. 148:

Amend Floor Amendment No. 148 by Christian (page 453, prefiled amendments packet) by striking the text of the amendment and substituting the following:

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered article to the bill, to read as follows:

ARTICLE ____ . SUPPORT OF STUDENT CENTERS

SECTION ____ .01. FUNDING OF STUDENT CENTERS. An institution of higher education, when making determinations regarding the institution's support, using money, staffing, or property, of a student center or similar facility for students of the institution, may not consider creed, race, color, sex, gender, sexual orientation, ethnicity, or national origin of the students served or proposed to be served by the center or facility.

Amendment No. 150 failed of adoption by (Record 53): 44 Yeas, 92 Nays, 3 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Castro; Coleman; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; Lozano; Lucio; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Pickett; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo.

Nays — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Darby; Davis, J.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Gonzales, L.; Gooden; Guillen; Hamilton; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Mallory Caraway; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, V.; Torres; Truitt; Weber; White; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C); Button; Quintanilla.

Absent, Excused — Bohac; Burnam; Hancock; Walle; Woolley.

Absent — Crownover; Geren; King, S.; King, T.; Sheffield; Taylor, L.

STATEMENTS OF VOTE

I was shown voting no on Record No. 53. I intended to vote present, not voting.

Guillen

I was shown voting no on Record No. 53. I intended to vote yes.

Mallory Caraway

When Record No. 53 was taken, I was in the house but away from my desk. I would have voted no.

L. Taylor

Amendment No. 151

Representative Dukes offered the following amendment to Amendment No. 148:

Amend Floor Amendment No. 148 by Christian (page 453, prefiled amendments packet) as follows:

(1) On page 1, line 4, strike "Sec. ____." and substitute "SECTION ____ (a)".

(2) At the end of the section proposed by the amendment, add:

(b) An institution of higher education may not use any revenue derived by fees or other charges paid by a student who is gay, lesbian, homosexual, bisexual, pansexual, transsexual, transgender, or gender questioning, for the support of a student center or other center for students focused on the issues of other student groups.

Amendment No. 151 failed of adoption by (Record 54): 44 Yeas, 95 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Pickett; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo.

Nays — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Guillen; Hamilton; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison;

Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, V.; Torres; Truitt; Weber; White; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C); Quintanilla.

Absent, Excused — Bohac; Burnam; Hancock; Walle; Woolley.

Absent — Crownover; King, S.; Sheffield; Taylor, L.

STATEMENT OF VOTE

When Record No. 54 was taken, I was in the house but away from my desk. I would have voted no.

L. Taylor

Amendment No. 152

Representative Hughes offered the following amendment to Amendment No. 148:

Amend the Christian amendment to **CSSB 1** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

Sec. ____ Funding of Student Centers for Family and Traditional Values. It is the intent of the legislature that an institution of higher education shall not use any amount of appropriated funds and/or state property, facility and or building to support a gender and sexuality center or other center for students focused on gay, lesbian, homosexual, bisexual, pansexual, transsexual, transgender, or gender questioning.

Amendment No. 152 was adopted.

CSSB 1 - POINT OF ORDER

Representative Martinez Fischer raised a point of order against further consideration of **CSSB 1** under Rule 6, Section 16 of the House Rules on the grounds that the calendar was improperly posted.

The point of order was withdrawn.

Amendment No. 148, as amended, was withdrawn.

Amendment No. 153

Representative Larson offered the following amendment to **CSSB 1**:

Floor Packet Page No. 459

Amend **CSSB 1** (house committee report printing) as follows:

Restore \$5,750,000 of funding to Department of State Health Services

SECTION ____ . There is hereby appropriated to the Department of State Health Services for the two-year period beginning on the effective date of this Act the amount of \$5,750,000 to restore ten percent of funding to the Designated Trauma Facility and EMS Account - Account 5111.

Amendment No. 153 - Point of Order

Representative Bonnen raised a point of order against further consideration of Amendment No. 153.

The speaker sustained the point of order.

The ruling precluded further consideration of Amendment No. 153.

Amendment No. 154

Representative Guillen offered the following amendment to **CSSB 1**:
Floor Packet Page No. 460

Amend **CSSB 1** (house committee report) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . FUNDING FOR INTEROPERABLE STATEWIDE
EMERGENCY
RADIO INFRASTRUCTURE

SECTION ____,01. (a) If **HB 442**, Acts of the 82nd Legislature, Regular Session, 2011, becomes law, the Department of Public Safety is appropriated \$10,000,000 for each year of the state fiscal biennium ending August 31, 2013, for the planning, development, provision, enhancement, and ongoing maintenance of an interoperable statewide emergency radio infrastructure authorized by Subchapter N, Chapter 411, Government Code.

(b) If **HB 442**, Acts of the 82nd Legislature, Regular Session, 2011, does not become law, this section has no effect.

Amendment No. 154 - Point of Order

Representative Pitts raised a point of order against further consideration of Amendment No. 154.

The speaker sustained the point of order.

The ruling precluded further consideration of Amendment No. 154.

Amendment No. 155

Representatives Isaac, R. Anderson, Carter, P. King, Flynn, Eissler, Hughes, Weber, Harper-Brown, Cain, S. Miller, C. Anderson, Zedler, Garza, Simpson, L. Taylor, Fletcher, and Christian offered the following amendment to **CSSB 1**:

Floor Packet Page No. 8

Amend **CSSB 1** (house committee report) as follows:

(1) In the recital to SECTION 1.01 of the bill (page 1, lines 5 and 6), strike "Subsections (c), (d), and (f), Section 42.259, Education Code, are amended" and substitute "Section 42.259, Education Code, is amended by amending Subsections (c), (d), and (f) and adding Subsection (f-1)".

(2) In SECTION 1.01 of the bill, following amended Section 42.259(f), Education Code (page 2, immediately following line 27), add the following:

(f-1) Notwithstanding Subsection (c)(8) or (d)(3), if the comptroller finds that sufficient money is available for the purposes after making necessary Medicaid payments due on or before the 25th day of August, the payments described by Subsections (c)(8) and (d)(3) shall be made on or before the 25th day of August.

Amendment No. 156

Representative Isaac offered the following amendment to Amendment No. 155:

Amend Floor Amendment No. 155 by Isaac to **CSSB 1** (page 8, prefiled amendment packet), by striking page 1 of the amendment, lines 2-14, and substituting the following:

(1) Strike SECTION 1.01 of the bill, amending Section 42.259, Education Code (page 1, line 5, through page 2, line 27), and substitute the following:

SECTION 1.01. Section 42.259, Education Code, is amended by adding Subsections (d-1), (d-2), and (d-3) to read as follows:

(d-1) Notwithstanding Subsection (c)(8) or (d)(3), all or a portion of the payments described by those subsections may be deferred and made after the 5th day of September and not later than the 10th day of September of the subsequent fiscal year in accordance with this subsection and Subsections (d-2) and (d-3). Beginning with the payments otherwise required to be made under Subsections (c)(8) and (d)(3) in August 2013 and continuing for each odd-numbered year thereafter, the Legislative Budget Board shall determine, based on the comptroller's biennial revenue estimate and any revisions to that estimate, the percentage of the payments that can be made in August with available state revenue remaining after providing for any necessary Medicaid payments due on or before the 25th day of August. The percentage determined by the Legislative Budget Board shall be paid as provided by Subsections (c)(8) and (d)(3), and the remaining portion shall be deferred and paid as provided by this subsection. Beginning with the percentage determined by the Legislative Budget Board for August 2015 payments, the percentage paid as provided by Subsections (c)(8) and (d)(3) may not be less than the corresponding percentage determined for August of the preceding odd-numbered year.

(d-2) Beginning with the payments otherwise required to be to be made under Subsections (c)(8) and (d)(3) in August 2014, payments in August of each even-numbered year shall be made in the manner in which payments were made in August of the preceding year.

(d-3) When the percentage determined by the Legislative Budget Board in accordance with Subsection (d-1) equals 100 percent, Subsections (d-1) and (d-2) and this subsection cease to apply, and the authority to defer payments described by Subsections (c)(8) and (d)(3) expires.

Amendment No. 156 was adopted.

Amendment No. 155, as amended, was adopted.

Amendment No. 157

Representative Y. Davis offered the following amendment to **CSSB 1**:

Floor Packet Page No. 20

Amend **CSSB 1** (house committee printing) by striking ARTICLE 12 of the bill (page 30, line 19, through page 35, line 21) and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly.

Amendment No. 158

Representative Y. Davis offered the following amendment to Amendment No. 157:

Amend Amendment No. 157 to **CSSB 1** by Y. Davis by striking the text of the amendment and substituting the following:

Amend **CSSB 1** (house committee printing) in ARTICLE 12 of the bill by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS of the article accordingly:

SECTION 12. _____. Section 111.061, Tax Code, is amended by adding Subsections (c) and (d) to read as follows:

(c) Notwithstanding Subsection (a), the penalty described by that subsection does not apply to a failure to pay a tax prepayment in August 2013 as required by:

(1) Section 151.401(c), 162.113(a-1), 162.214(a-1), or 183.023(c) of this code; or

(2) Section 34.04(c), 48.04(c), 201.07(b), 201.43(c), or 203.03(c), Alcoholic Beverage Code.

(d) Subsection (c) and this subsection expire September 1, 2015.

Amendment No. 158 was adopted.

Amendment No. 157, as amended, was withdrawn.

**ADDRESS BY REPRESENTATIVE CHRISTIAN
ON A MATTER OF PERSONAL PRIVILEGE**

The chair recognized Representative Christian who addressed the house on a matter of personal privilege.

CSSB 1 - (consideration continued)

Amendment No. 159

Representative Madden offered the following amendment to **CSSB 1**:

Floor Packet Page No. 119

Amend **CSSB 1** (house committee report) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE _____. VIRTUAL SCHOOL NETWORK

SECTION _____.01. Subchapter A, Chapter 30A, Education Code, is amended by adding Section 30A.0021 to read as follows:

Sec. 30A.0021. ADULT ELIGIBILITY. (a) A person who resides in this state and is at least 21 years of age on September 1 of the school year is eligible to enroll in one or more courses provided through the state virtual school network.

(b) The commissioner may not limit the number of courses a person eligible under this section may take through the state virtual school network.

(c) A person who enrolls in a course under this section must pay to the administering authority a fee in an amount established by the commissioner. The fee under this subsection must include the cost of the course established by the administering authority under Section 30A.105(b). Section 30A.155 does not apply to enrollment under this section.

SECTION ____ .02. Section 30A.107(a), Education Code, is amended to read as follows:

(a) A provider school district or school may offer electronic courses to:

- (1) students and adults who reside in this state; and
- (2) students who reside outside this state and who meet the eligibility requirements under Section 30A.002(c).

Amendment No. 160

Representative Madden offered the following amendment to Amendment No. 159:

Amend Amendment No. 159 by Madden to **CSSB 1** (page 119 of the prefiled amendment packet) on page 1 of the amendment, by striking lines 6-20 and substituting the following:

SECTION ____ .01. Section 30A.002(a), Education Code, is amended to read as follows:

(a) A student is eligible to enroll in a course provided through the state virtual school network only if the student:

- (1) ~~is younger than 21 years of age~~ on September 1 of the school year:
 - (A) is younger than 21 years of age; or
 - (B) is younger than 26 years of age and entitled to the benefits of the Foundation School Program under Section 42.003;
- (2) has not graduated from high school; and
- (3) is otherwise eligible to enroll in a public school in this state.

Amendment No. 160 was adopted.

Amendment No. 159, as amended, was adopted.

Amendment No. 161

Representative Garza offered the following amendment to **CSSB 1**:
Floor Packet Page No. 128

Amend **CSSB 1** as follows:

SECTION ____ . Subchapter D, Chapter 33, Education Code, is amended by adding Section 33.0832 to read as follows:

Sec. 33.0832. EQUAL OPPORTUNITY FOR ACCESS TO UNIVERSITY INTERSCHOLASTIC LEAGUE ACTIVITIES. (a) In this section, "private school" has the meaning assigned by Section 39.033(d).

(b) The University Interscholastic League shall provide private and parochial schools with equal opportunity to become members of the league for the purpose of providing their students with access to league activities.

(c) This section does not exempt a private or parochial school or its students from satisfying each rule or eligibility requirement imposed by this subchapter or the league for participating in an activity or league district sponsored by the league.

(d) A private or parochial school seeking to participate in a league activity or to become a member of a league district shall apply to the league on a signed form prescribed by the league. The school must certify its eligibility under this subchapter and league rules in the application and must attach proof of accreditation. The league may not impose eligibility requirements for private or parochial schools that exceed the requirements of this subchapter or league rules for public schools or require proof of eligibility that exceeds the proof required of public schools. On approval of an application, the league shall issue a certificate of approval to the applicant school. The application and certificate of approval are governmental records for purposes of Section 37.10, Penal Code.

(e) The league shall determine the appropriate league district in which an eligible private or parochial school will participate using the same standard the league applies to public schools, provided that the private or parochial school may not be placed in a league district lower than the 1A level.

(f) The league may adopt rules designed to discourage an eligible private or parochial school from recruiting any student to attend the school for the purpose of participating in a league activity. A rule adopted under this subsection may not be designed to discriminate against an eligible private or parochial school.

(g) To be eligible under this section, a private or parochial school must:

(1) be accredited by an accrediting organization recognized by the agency;

(2) not have had its ability or eligibility to participate in an association similar to the league compromised, revoked, or suspended for violating the rules or codes of that association within the five-year period preceding the date of application to participate in the league;

(3) offer a four-year high school curriculum;

(4) offer interscholastic competition; and

(5) require daily student attendance at a specific location.

(h) Notwithstanding any other provision of this section, the league shall implement this section by providing private and parochial schools with equal opportunity to participate in:

(1) league academic activities beginning with the 2011-2012 school year;

(2) league athletic activities at the 1A and 2A league district levels beginning with the spring semester of the 2011-2012 school year;

(3) league athletic activities at the 3A league district level beginning with the 2012-2013 school year;

(4) league athletic activities at the 4A league district level beginning with the 2013-2014 school year; and

(5) league athletic activities at the 5A league district level beginning with the 2014-2015 school year.

(i) Subsection (h) and this subsection expire September 1, 2015.

Amendment No. 161 - Point of Order

Representative Thompson raised a point of order against further consideration of Amendment No. 161 under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.

The speaker sustained the point of order.

The ruling precluded further consideration of Amendment No. 161.

Amendment No. 162

Representative Isaac offered the following amendment to **CSSB 1**:

Floor Packet Page No. 152

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering the remaining ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ TUITION REVENUE BONDS

SECTION ____ .01. Subchapter B, Chapter 55, Education Code, is amended by adding Section 55.1784 to read as follows:

Sec. 55.1784. TEXAS STATE UNIVERSITY SYSTEM; ADDITIONAL BONDS. (a) In addition to the other authority granted by this subchapter, the board of regents of the Texas State University System may acquire, purchase, construct, improve, renovate, enlarge, or equip facilities, including roads and related infrastructure, for projects to be financed through the issuance of bonds in accordance with this subchapter and in accordance with a systemwide revenue financing program adopted by the board for Texas State University-San Marcos not to exceed the following aggregate principal amounts for the projects specified as follows:

(1) \$48,820,000 for the construction of the RRHEC-Health Professions Building #1;

(2) \$31,900,000 for the construction of the RRHEC-Health Professions Building #2;

(3) \$56,705,000 for the construction of a music building; and

(4) \$70 million for the construction of a new engineering and science building.

(b) The board may pledge irrevocably to the payment of bonds authorized by this section all or any part of the revenue funds of an institution, branch, or entity of the Texas State University System, including student tuition charges. The amount of a pledge made under this subsection may not be reduced or abrogated while the bonds for which the pledge is made, or bonds issued to refund those bonds, are outstanding.

(c) If sufficient funds are not available to the board to meet its obligations under this section, the board may transfer funds among institutions, branches, and entities of the Texas State University System to ensure the most equitable and efficient allocation of available resources for each institution, branch, or entity to carry out its duties and purposes.

SECTION ____ .02. Section 61.0572(e), Education Code, is amended to read as follows:

(e) Approval of the board is not required to acquire real property that is financed by bonds issued under Section 55.17(e)(3) or (4), 55.1713-55.1718, 55.1721-55.1728, 55.1735(a)(1), 55.174, 55.1742, 55.1743, 55.1744, 55.1751-55.17592, 55.1768, 55.1771, ~~55.17721~~, or 55.1784, except that the board shall review all real property to be financed by bonds issued under those sections to determine whether the property meets the standards adopted by the board for cost, efficiency, and space use. If the property does not meet those standards, the board shall notify the governor, the lieutenant governor, the speaker of the house of representatives, and the Legislative Budget Board.

SECTION ____ .03. Section 61.058(b), Education Code, is amended to read as follows:

(b) This section does not apply to construction, repair, or rehabilitation financed by bonds issued under Section 55.17(e)(3) or (4), 55.1713-55.1718, 55.1721-55.1728, 55.174, 55.1742, 55.1743, 55.1744, 55.1751-55.17592, 55.1768, 55.1771, ~~55.17721~~, or 55.1784, except that the board shall review all construction, repair, or rehabilitation to be financed by bonds issued under those sections to determine whether the construction, rehabilitation, or repair meets the standards adopted by board rule for cost, efficiency, and space use. If the construction, rehabilitation, or repair does not meet those standards, the board shall notify the governor, the lieutenant governor, the speaker of the house of representatives, and the Legislative Budget Board.

SECTION ____ .04. This article does not affect any authority or restriction regarding the activities that a public institution of higher education may conduct in connection with a facility financed by bonds authorized by this article.

Amendment No. 162 was withdrawn.

Amendment No. 163

Representative Aycock offered the following amendment to **CSSB 1**:

Floor Packet Page No. 163

Amend **CSSB 1** (house committee report) in ARTICLE 56 of the bill as follows:

(1) In SECTION 56.05 of the bill, strike the recital (page 143, lines 2 and 3) and substitute "Section 41.002, Education Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:".

(2) In SECTION 56.05 of the bill, immediately following amended Section 41.002(a), Education Code (page 144, between lines 3 and 4), insert the following:

(a-1) Notwithstanding Subsection (a), a school district that imposed a maintenance and operations tax for the 2010 tax year at the maximum rate permitted under Section 45.003 may not have a wealth per student that exceeds \$339,500 for the district's maintenance and operations tax effort described by Subsection (a)(3). This subsection expires September 1, 2012.

(3) Add the following appropriately numbered SECTION and renumber subsequent SECTIONS in ARTICLE 56 accordingly:

SECTION 56.____. Section 42.302, Education Code, is amended by adding Subsection (a-3) to read as follows:

(a-3) Notwithstanding Subsections (a) and (a-1), for a school district that imposed a maintenance and operations tax for the 2010 tax year at the maximum rate permitted under Section 45.003, the dollar amount guaranteed level of state and local funds per weighted student per cent of tax effort ("GL") for the district's maintenance and operations tax effort described by Subsection (a-1)(2) is \$33.95. This subsection expires September 1, 2012.

Amendment No. 163 was adopted.

Amendment No. 164

Representative Guillen offered the following amendment to **CSSB 1**:
Floor Packet Page No. 254

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ REIMBURSEMENT FOR CERTAIN SERVICES UNDER
THE MEDICAID MANAGED CARE PROGRAM

SECTION ____ .01. Section 533.01315, Government Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) Subject to Subsection (b-1), the [The] commission shall ensure that a federally qualified health center, physician office, urgent care facility, rural health clinic, or municipal health department's public clinic is reimbursed for health care services provided to a recipient outside of regular business hours, including on a weekend or holiday, at a rate that is equal to the allowable rate for those services as determined under Section 32.028, Human Resources Code, regardless of whether the recipient has a referral from the recipient's primary care provider.

(b-1) A physician who is a specialist may not be reimbursed under this section for the provision of specialty services.

SECTION ____ .02. If before implementing any provision of this article a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

Amendment No. 165

Representatives Alonzo, D. Miller, Cain, Jackson, Riddle, Christian, Gooden, Morrison, J. Davis, Sheffield, Keffer, Orr, R. Anderson, V. Taylor, Carter, Harper-Brown, L. Gonzales, Larson, Burkett, Hughes, Torres, Simpson, Zedler, and Geren offered the following amendment to Amendment No. 164:

Amend Amendment No. 164 by Guillen to **CSSB 1** (page 254 of the prefiled amendment packet) by striking the text of the amendment and substituting the following:

Amend **CSSB 1** (house committee report) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . MEDICAID SERVICES

SECTION ____ .01_. (a) Subchapter A, Chapter 533, Government Code, is amended by adding Section 533.0065 to read as follows:

Sec. 533.0065. EYE HEALTH CARE SERVICE PROVIDERS. Subject to Section 32.047, Human Resources Code, but notwithstanding any other law, if the commission determines that access to optometrists, therapeutic optometrists, or ophthalmologists under the Medicaid managed care model or arrangement in a particular region of the state is not adequate, the commission shall require that each managed care organization that contracts with the commission under any Medicaid managed care model or arrangement to provide health care services to recipients in the region include in the organization's provider network each optometrist, therapeutic optometrist, and ophthalmologist who:

- (1) agrees to comply with the terms and conditions of the organization;
- (2) agrees to accept the prevailing provider contract rate of the organization;
- (3) agrees to abide by the standards of care required by the organization; and
- (4) has the credentials required by the organization.

(b) If before implementing any provision of this section a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

Amendment No. 165 was adopted.

Amendment No. 164, as amended, was adopted. (White recorded voting no.)

Amendment No. 166

Representative Zedler offered the following amendment to **CSSB 1**:
Floor Packet Page No. 144

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . INTERNET ACCESS TO CERTAIN SCHOOL DISTRICT FINANCIAL INFORMATION

SECTION ____ .01. Subchapter A, Chapter 44, Education Code, is amended by adding Section 44.0031 to read as follows:

Sec. 44.0031. INTERNET ACCESS TO FINANCIAL DATA. (a) Except as otherwise provided by this section, a school district shall post on the district's Internet website or on an Internet website hosted by the district's business or financial services department for viewing by interested persons a copy of the district's:

- (1) annual budget;

(2) end-of-year financial report; and

(3) checking account transaction register.

(b) A school district may not include in the district's checking account transaction register under Subsection (a)(3) a check issued to a district employee in payment of salary, wages, or an employment stipend.

(c) A school district may not post any information protected by state or federal law regarding confidentiality of health or education records.

(d) The superintendent and chief financial officer of a school district shall jointly notify the commissioner when the financial data required under Subsection (a) is available to interested persons. The notification must include information regarding the current and expected costs associated with implementing and maintaining the requirements of this section.

(e) If a school district is unable to post all or part of the financial data required under Subsection (a), the superintendent and chief financial officer of the school district shall jointly submit a letter to the commissioner explaining why the district is unable to post the financial data, including the results of any applicable cost analysis performed by or for the district.

SECTION ____ .02. This article takes effect January 1, 2012.

Amendment No. 166 was adopted.

Amendment No. 167

Representative Christian offered the following amendment to **CSSB 1**:

Floor Packet Page No. 200

Amend **CSSB 1** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____ . (a) Chapter 402, Government Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. PUBLIC INTEGRITY UNIT

Sec. 402.101. DEFINITIONS. In this subchapter:

(1) "Offense" means a prohibited act for which state law imposes a criminal or civil penalty.

(2) "Prosecute" means represent the state to impose a criminal or civil penalty.

(3) "Prosecuting attorney" means a district attorney, criminal district attorney, or county attorney.

Sec. 402.102. OFFENSES AGAINST PUBLIC ADMINISTRATION. For purposes of this subchapter, the following are offenses against public administration:

(1) an offense under Title 8, Penal Code, committed by a state officer or a state employee in connection with the powers and duties of the state office or state employment;

(2) an offense under Chapter 301, 302, 305, 571, 572, or 2004;

(3) an offense under Chapter 573 committed by a state officer in connection with the powers and duties of the state office;

(4) an offense under Title 15, Election Code, committed in connection with:

(A) a campaign for or the holding of state office; or

(B) an election on a proposed constitutional amendment; and

(5) an offense involving compliance with the requirements relating to the imposition of the motor fuels tax imposed under Chapter 162, Tax Code, including an offense described by Section 162.403, Tax Code.

Sec. 402.103. OFFENSES INVOLVING INSURANCE FRAUD. For purposes of this subchapter, the following are offenses involving insurance fraud:

(1) an offense under Chapter 35, Penal Code, including an offense under that chapter that involves workers' compensation insurance under Title 5, Labor Code; or

(2) a fraudulent insurance act as defined by Section 701.001, Insurance Code, including an act that involves workers' compensation insurance under Title 5, Labor Code.

Sec. 402.104. PUBLIC INTEGRITY UNIT. The public integrity unit is in the office of the attorney general.

Sec. 402.105. PROSECUTION BY PUBLIC INTEGRITY UNIT. (a) In any district or county court of appropriate jurisdiction and venue, the public integrity unit has the authority to prosecute a person for:

(1) an offense against public administration; or

(2) an offense involving insurance fraud.

(b) The public integrity unit must assert the right to prosecute under this section in writing to the appropriate prosecuting attorney. On asserting the right to prosecute under this section:

(1) the unit has all the powers of the prosecuting attorney, including the power to represent the state before a grand jury; and

(2) the prosecuting attorney may not prosecute the same person for the same act.

Sec. 402.106. COOPERATION OF STATE AGENCIES AND LOCAL LAW ENFORCEMENT AGENCIES. (a) To the extent allowed by law, a state agency or local law enforcement agency shall cooperate with the public integrity unit by providing information requested by the unit as necessary to carry out the purposes of this subchapter.

(b) Information disclosed under this section is confidential and not subject to disclosure under Chapter 552.

Sec. 402.107. VENUE. Notwithstanding Chapter 13, Code of Criminal Procedure, or other law, if the defendant is a natural person, venue for a prosecution by the public integrity unit is in the county in which the defendant resides.

(b) Sections 301.027(b) and (c), Government Code, are amended to read as follows:

(b) If the president of the senate or speaker receives a report or statement of facts as provided by Subsection (a), the president of the senate or speaker shall certify the statement of facts to the public integrity unit of the office of the attorney general [~~Travis County district attorney~~] under the seal of the senate or house of representatives, as appropriate.

(c) The public integrity unit [~~Travis County district attorney~~] shall bring the matter before the grand jury for action. If the grand jury returns an indictment, the public integrity unit [~~district attorney~~] shall prosecute the indictment.

(c) Section 402.009, Government Code, is amended to read as follows:

Sec. 402.009. AUTHORITY TO EMPLOY AND COMMISSION PEACE OFFICERS. The attorney general may employ and commission peace officers as investigators for:

(1) the limited purpose of assisting the attorney general in carrying out the duties of that office relating to prosecution assistance and crime prevention; or

(2) the purpose of investigating offenses against public administration and offenses involving insurance fraud prosecuted under Subchapter D.

(d) Section 35.04, Penal Code, is amended to read as follows:

Sec. 35.04. JURISDICTION OF ATTORNEY GENERAL. As provided by Section 402.105, Government Code, the public integrity unit of the office of the attorney general shall prosecute [~~(a) The attorney general may offer to an attorney representing the state in the prosecution of~~] an offense under Section 35.02 [~~the investigative, technical, and litigation assistance of the attorney general's office~~].

[(b) ~~The attorney general may prosecute or assist in the prosecution of an offense under Section 35.02 on the request of the attorney representing the state described by Subsection (a).~~]

(e) Not later than March 1, 2012, the attorney general shall establish the public integrity unit under Subchapter D, Chapter 402, Government Code, as added by this Act.

(f) Subchapter D, Chapter 402, Government Code, as added by this Act, applies only to the prosecution of an offense against public administration or an offense involving insurance fraud committed on or after April 1, 2012. For purposes of this subsection, an offense is committed before April 1, 2012, if any element of the offense occurs before that date. The prosecution of an offense committed before April 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, except that a county attorney, district attorney, or criminal district attorney may, on the request of the attorney general, permit the public integrity unit established under Subchapter D, Chapter 402, Government Code, as added by this Act, to assume the prosecution of such an offense.

(g) Notwithstanding any other effective date provided by this Act, this section takes effect January 1, 2012, but only if the constitutional amendment proposed by the 82nd Legislature, Regular Session, 2011, giving the attorney general exclusive authority to prosecute offenses against public administration, including ethics offenses, and offenses involving insurance fraud takes effect. If that amendment is not approved by the voters, this section has no effect.

Amendment No. 167 - Point of Order

Representative D. Howard raised a point of order against further consideration of Amendment No. 167.

The speaker overruled the point of order.

Amendment No. 168

Representative Workman offered the following amendment to Amendment No. 167:

Amend Amendment No. 167 by Christian to **CSSB 1** (page 200 of the prefiled amendment packet) in added Section 402.107, Government Code (page 3, line 11 of the amendment) by striking "the county in which the defendant resides" and substituting "Travis County".

Amendment No. 168 was withdrawn.

Amendment No. 167 was withdrawn.

Amendment No. 169

Representative Menendez offered the following amendment to **CSSB 1**:
Floor Packet Page No. 356

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering the subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . AD VALOREM TAXATION OF LOW-INCOME OR
MODERATE-INCOME HOUSING

SECTION ____ .01. Section 11.182(a), Tax Code, is amended by adding Subdivision (3) to read as follows:

(3) "Control" means having the power to manage, direct, superintend, restrict, regulate, govern, or oversee.

SECTION ____ .02. Section 11.182, Tax Code, is amended by adding Subsections (a-1), (b-1), and (b-2) to read as follows:

(a-1) An organization is considered to own property for purposes of this section and the provisions of Section 2, Article VIII, Texas Constitution, authorizing the legislature by general law to exempt from taxation property owned by an institution engaged primarily in performing public charitable functions, if the organization has legal or equitable title to the property.

(b-1) Notwithstanding Subsection (b) or (e), an owner of real property that is not an organization described by that subsection is entitled to an exemption from taxation of property under this section if the property otherwise qualifies for the exemption and the owner is:

(1) a limited partnership of which an organization that meets the requirements of Subsection (b) controls 100 percent of the general partner interest; or

(2) an entity the parent of which is an organization that meets the requirements of Subsection (b).

(b-2) A reference in this section to an organization includes an entity described by Subsection (b) or (b-1). For purposes of this section, an organization that is entitled to an exemption under Subsection (b-1) shall be treated as an organization that is entitled to an exemption under Subsection (b).

SECTION ____03. Section 11.1825, Tax Code, is amended by amending Subsection (a) and adding Subsections (a-1) and (a-2) to read as follows:

(a) In this section, "control" means having the power to manage, direct, superintend, restrict, regulate, govern, or oversee.

(a-1) An organization is considered to own property for purposes of this section and the provisions of Section 2, Article VIII, Texas Constitution, authorizing the legislature by general law to exempt from taxation property owned by an institution engaged primarily in performing public charitable functions, if the organization has legal or equitable title to the property.

(a-2) An organization is entitled to an exemption from taxation of real property owned by the organization that the organization constructs or rehabilitates and uses to provide housing to individuals or families meeting the income eligibility requirements of this section.

SECTION ____04. This article may not be construed to permit a refund of ad valorem taxes paid before the effective date of this article on property determined to be eligible for an exemption under Section 11.182 or 11.1825, Tax Code, as amended by this article.

SECTION ____05. This article applies only to ad valorem taxes imposed for a tax year beginning on or after the effective date of this article.

SECTION ____06. This article takes effect January 1, 2013.

Amendment No. 170

Representative Elkins offered the following amendment to Amendment No. 169:

Amend Amendment No. 169 by Menendez to **CSSB 1** (page 356, prefiled amendment packet) as follows:

(1) On page 1, line 12, between "(a-1)," and "(b-1)", insert "(a-2),".

(2) On page 1, between lines 12 and 13, insert the following:

(a-1) Subsections (a-2), (b-1), and (b-2) do not apply to property located in a county with a population of 3.3 million or more.

(3) On page 1, line 13, strike "(a-1)" and substitute "(a-2)".

(4) On page 2, line 13, between "(a-1)" and "An", insert the following:

This subsection does not apply to property located in a county with a population of 3.3 million or more.

Amendment No. 170 was adopted.

Amendment No. 169, as amended, was adopted.

Amendment No. 171

Representative Guillen offered the following amendment to **CSSB 1**:

Floor Packet Page No. 322

Amend **CSSB 1** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS accordingly:

ARTICLE ____ REGULATION OF SUBDIVISIONS IN COUNTIES

SECTION ____ .01. If the Texas Water Development Board determines that a county is not complying with the changes in law made by this article, the board may withhold funds authorized under Section 15.407, Water Code, or Subchapter P, Chapter 15, Water Code, or Subchapter K, Chapter 17, Water Code, on or after the effective date of this Act until the county demonstrates compliance.

SECTION ____ .02. Section 232.0031, Local Government Code, is amended to read as follows:

Sec. 232.0031. STANDARD FOR ROADS IN SUBDIVISION. A county may not impose under Section 232.003 a higher standard for streets or roads in a subdivision than the county imposes on itself for the construction of new streets or roads with a similar type and amount of traffic.

SECTION ____ .03. Section 232.022(d), Local Government Code, is amended to read as follows:

(d) This subchapter does not apply if all [~~each~~] of the lots of the subdivision are more than [~~is~~] 10 [~~or more~~] acres.

SECTION ____ .04. Section 232.023, Local Government Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) A subdivider of land must have a plat of the subdivision prepared if at least one of the lots of the subdivision is five acres or less. A commissioners court by order may require each subdivider of land to prepare a plat if at least one of the lots of a subdivision is more than five acres but not more than 10 acres.

(a-1) A subdivision of a tract under this section [~~subsection~~] includes a subdivision of real property by any method of conveyance, including a contract for deed, oral contract, contract of sale, or other type of executory contract, regardless of whether the subdivision is made by using a metes and bounds description.

SECTION ____ .05. Section 232.033, Local Government Code, is amended by amending Subsections (a) and (h) and adding Subsections (a-1), (a-2), (a-3), (a-4), and (a-5) to read as follows:

(a) Brochures, publications, [~~and~~] advertising of any form, and earnest money contracts relating to [~~subdivided~~] land required to be platted under this subchapter:

(1) may not contain any misrepresentation; [~~and~~]

(2) except for a for-sale sign posted on the property that is no larger than three feet by three feet, must accurately describe the availability of water and sewer service facilities and electric and gas utilities; and

(3) if a plat for the land has not been finally approved and recorded, must include a notice that:

(A) subject to Subsection (a-1), a contract for the sale of any portion of the land may not be entered into until the land receives final plat approval under Section 232.024; and

(B) the land may not be possessed or occupied until:

(i) the land receives final plat approval under Section 232.024;

and

(ii) all water and sewer service facilities for the lot are connected or installed in compliance with the model rules adopted under Section 16.343, Water Code.

(a-1) This subsection applies in addition to other applicable law and prevails to the extent of a conflict with that other law. This subsection applies only to a person who is a seller or subdivider and who is a licensed, registered, or otherwise credentialed residential mortgage loan originator under applicable state law, federal law, and the Nationwide Mortgage Licensing System and Registry. A person may, before a plat has been finally approved and recorded for the land:

(1) enter into an earnest money contract with a potential purchaser and accept payment under the contract in an amount of \$250 or less; and

(2) advertise in accordance with this section.

(a-2) An earnest money contract entered into under Subsection (a-1) is void if the plat for the land has not been finally approved and recorded before the 91st day after the date the earnest money contract is signed by the potential purchaser, unless the potential purchaser agrees in writing to extend the period for plat approval and recording for an additional 90-day period. Only one extension may be granted under this subsection.

(a-3) If an earnest money contract is void under Subsection (a-2), the seller shall refund all earnest money paid to the potential purchaser not later than the 30th day after the date the earnest money contract becomes void under Subsection (a-2). If the seller fails to refund the earnest money to the potential purchaser in violation of this subsection, the potential purchaser, in a suit to recover the earnest money, may recover an amount equal to three times the amount of the earnest money required to be refunded, plus reasonable attorney's fees.

(a-4) Before entering into an earnest money contract with a potential purchaser and before a plat has been finally approved and recorded for the land as permitted under Subsection (a-1), a person must provide written notice to the attorney general and to the local government responsible for approving the plat. The notice must include:

(1) a statement of intent to enter into an earnest money contract under Subsection (a-1);

(2) a legal description of the land to be included in the subdivision;

(3) each county in which all or part of the subdivision is located; and

(4) the number of proposed individual lots to be included in the subdivision.

(a-5) The attorney general may adopt rules regarding the notice to be provided under Subsection (a-4).

(h) A person who is a seller of lots for which a plat is required under this subchapter [in a subdivision], or a subdivider or an agent of a seller or subdivider, commits an offense if the person knowingly authorizes or assists in the

publication, advertising, distribution, or circulation of any statement or representation that the person knows is false concerning any [subdivided] land offered for sale or lease. An offense under this section is a Class A misdemeanor.

SECTION ____ .06. Subchapter B, Chapter 232, Local Government Code, is amended by adding Section 232.0375 to read as follows:

Sec. 232.0375. NOTICE AND OPPORTUNITY TO CURE REQUIRED BEFORE FILING ENFORCEMENT ACTION. (a) Before a civil enforcement action may be filed against a subdivider under this subchapter, the subdivider must be notified in writing about the general nature of the alleged violation and given 90 days from the notification date to cure the violation. After the 90th day after the date of the notification, the enforcement action may proceed.

(b) This section does not apply to a civil enforcement action if the attorney general, district attorney, or county attorney asserts that:

(1) an alleged violation or threatened violation poses a threat to a consumer or to the health and safety of any person; or

(2) a delay in bringing an enforcement action may result in financial loss or increased costs to any person, including the county.

(c) This section does not apply if an enforcement action has previously been filed against the subdivider for the same or another alleged violation.

(d) This section does not apply to an action filed by a private individual.

SECTION ____ .07. Subchapter B, Chapter 232, Local Government Code, is amended by adding Section 232.045 to read as follows:

Sec. 232.045. EARNEST MONEY CONTRACTS. (a) An earnest money contract entered into under Section 232.033(a-1) must contain the following statement:

"NOTICE: THIS IS AN EARNEST MONEY CONTRACT ONLY. THE MAXIMUM AMOUNT THAT THE SELLER MAY COLLECT UNDER THIS CONTRACT IS \$250. THE SELLER MAY NOT DEMAND ANY ADDITIONAL PAYMENT UNTIL A PLAT OF THE SUBDIVISION HAS BEEN APPROVED."

(b) An earnest money contract entered into under Section 232.033(a-1) must contain the notice required by Section 232.033.

SECTION ____ .08. Section 232.072, Local Government Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) The owner of a tract of land that divides the tract in any manner that creates lots of five acres or less intended for residential purposes must have a plat of the subdivision prepared. A commissioners court by order may require each subdivider of land to prepare a plat if at least one of the lots of a subdivision is more than five acres but not more than 10 acres.

(a-1) A subdivision of a tract under this section includes a subdivision of real property by any method of conveyance, including a contract for deed, oral contract, contract of sale, or other type of executory contract, regardless of whether the subdivision is made by using a metes and bounds description.

SECTION ____ .09. Subchapter C, Chapter 232, Local Government Code, is amended by adding Sections 232.0805 and 232.0806 to read as follows:

Sec. 232.0805. NOTICE AND OPPORTUNITY TO CURE REQUIRED BEFORE FILING ENFORCEMENT ACTION. (a) In this section, "subdivider" has the meaning assigned by Section 232.021.

(b) Before a civil enforcement action may be filed against a subdivider under this subchapter, the subdivider must be notified in writing about the general nature of the alleged violation and given 90 days from the notification date to cure the violation. After the 90th day after the date of the notification, the enforcement action may proceed.

(c) This section does not apply to a civil enforcement action if the attorney general, district attorney, or county attorney asserts that:

(1) an alleged violation or threatened violation poses a threat to a consumer or to the health and safety of any person; or

(2) a delay in bringing an enforcement action may result in financial loss or increased costs to any person, including the county.

(d) This section does not apply if an enforcement action has previously been filed against the subdivider for the same or another alleged violation.

(e) This section does not apply to an action filed by a private individual.

Sec. 232.0806. SUIT BY PRIVATE PERSON IN ECONOMICALLY DISTRESSED AREA. A person who has purchased or is purchasing a lot in a subdivision for residential purposes that does not have water and sewer services as required by this subchapter and is located in an economically distressed area, as defined by Section 17.921, Water Code, from a subdivider may bring suit in the district court in which the property is located or in a district court in Travis County to:

(1) declare the sale of the property void, require the subdivider to return the purchase price of the property, and recover from the subdivider:

(A) the market value of any permanent improvements the person placed on the property;

(B) actual expenses incurred as a direct result of the failure to provide adequate water and sewer facilities;

(C) court costs; and

(D) reasonable attorney's fees; or

(2) enjoin a violation or threatened violation of Section 232.072, require the subdivider to plat or amend an existing plat under Sections 232.011 and 232.081, and recover from the subdivider:

(A) actual expenses incurred as a direct result of the failure to provide adequate water and sewer facilities;

(B) court costs; and

(C) reasonable attorney's fees.

SECTION ____ .10. Section 16.343(g), Water Code, is amended to read as follows:

(g) Before an application for funds under Section 15.407 or Subchapter P, Chapter 15, or Subchapter K, Chapter 17, may be considered by the board, if the area for which the funds are proposed to be used is located:

(1) in a municipality, the municipality must adopt the model rules pursuant to this section;

(2) in the extraterritorial jurisdiction of a municipality, the applicant must demonstrate that the model rules have been adopted and are enforced in the extraterritorial jurisdiction by either the municipality or the county; or

(3) outside the extraterritorial jurisdiction of a municipality, the county must adopt the model rules pursuant to this section [a political subdivision must adopt the model rules pursuant to this section. If the applicant is a district, nonprofit water supply corporation, or colonia, the applicant must be located in a city or county that has adopted such rules. Applicants for funds under Section 15.407 or Subchapter P, Chapter 15, or Subchapter K, Chapter 17, may not receive funds under those provisions unless the applicable political subdivision adopts and enforces the model rules].

SECTION ____ .11. Subchapter J, Chapter 16, Water Code, is amended by adding Section 16.3541 to read as follows:

Sec. 16.3541. NOTICE AND OPPORTUNITY TO CURE REQUIRED BEFORE FILING ENFORCEMENT ACTION. (a) In this section, "subdivider" has the meaning assigned by Section 232.021, Local Government Code.

(b) Before a civil enforcement action may be filed against a subdivider under this subchapter, the subdivider must be notified in writing about the general nature of the alleged violation and given 90 days from the notification date to cure the violation. After the 90th day after the date of the notification, the enforcement action may proceed.

(c) This section does not apply to a civil enforcement action if the attorney general, district attorney, or county attorney asserts that:

(1) an alleged violation or threatened violation poses a threat to a consumer or to the health and safety of any person; or

(2) a delay in bringing an enforcement action may result in financial loss or increased costs to any person, including the county.

(d) This section does not apply if an enforcement action has previously been filed against the subdivider for the same or another alleged violation.

SECTION ____ .12. Section 232.021(9), Local Government Code, is repealed.

SECTION ____ .13. The changes in law made by this article to Sections 232.022, 232.023, 232.033, and 232.072, Local Government Code, apply only to a subdivision plat application submitted for approval on or after the effective date of this Act. A subdivision plat application submitted for approval before the effective date of this Act is governed by the law in effect when the application was submitted, and the former law is continued in effect for that purpose.

SECTION ____ .14. This article applies only to an enforcement action filed on or after the effective date of this Act. An enforcement action filed before the effective date of this Act is governed by the law as it existed when the action was filed, and the former law is continued in effect for that purpose.

Amendment No. 171 - Point of Order

Representative Anchia raised a point of order against further consideration of Amendment No. 171.

The speaker sustained the point of order.

The ruling precluded further consideration of Amendment No. 171.

Amendment No. 172

Representative Y. Davis offered the following amendment to **CSSB 1**:
Floor Packet Page No. 20

Amend **CSSB 1** (house committee printing) by striking ARTICLE 12 of the bill (page 30, line 19, through page 35, line 21) and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly.

Amendment No. 172 was adopted.

CSSB 1, as amended, was passed to third reading by (Record 55): 81 Yeas, 62 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Branch; Brown; Burkett; Button; Cain; Callegari; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hardcastle; Harper-Brown; Hartnett; Hilderbran; Howard, C.; Huberty; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kuempel; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Weber; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Bonnen; Carter; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hamilton; Harless; Hernandez Luna; Hochberg; Hopson; Howard, D.; Hughes; Johnson; King, T.; Landtroop; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, S.; Morrison; Muñoz; Naishtat; Oliveira; Peña; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Simpson; Strama; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; White.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Burnam; Hancock; Walle; Woolley.

Absent — Kolkhorst.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 55. I intended to vote no.

S. King

When Record No. 55 was taken, my vote failed to register. I would have voted yes.

Kolkhorst

I was shown voting no on Record No. 55. I intended to vote yes.

Torres

HR 30 - ADOPTED
(by Y. Davis)

Representative Y. Davis moved to suspend all necessary rules to take up and consider at this time **HR 30**.

The motion prevailed.

The following resolution was laid before the house:

HR 30, Recognizing the Best Southwest Partnership on the occasion of the 25th anniversary of its incorporation.

HR 30 was adopted.

PROVIDING FOR ADJOURNMENT

Representative Keffer moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 11 a.m. today, Friday, June 10, in memory of Alma Ann Berry Burnam of Fort Worth, mother of Representative Burnam.

The motion prevailed.

**BILLS AND JOINT RESOLUTIONS ON FIRST READING
AND REFERRAL TO COMMITTEES
RESOLUTIONS REFERRED TO COMMITTEES
CORRECTIONS IN REFERRAL**

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. Pursuant to Rule 1, Section 4 of the House Rules, the chair at this time corrected the referral of measures to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

ADJOURNMENT

In accordance with a previous motion, the house, at 2:08 a.m. Friday, June 10, adjourned until 11 a.m. today.

ADDENDUM

REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 1

HB 66 (By Zedler), Relating to the availability of certain school district financial information on districts' Internet websites.

To Public Education.

HB 67 (By Gallego), Relating to the entitlement of school districts and open-enrollment charter schools to a certain funding level and to the appropriation of money from the economic stabilization fund to be used for public education.

To Public Education.

HB 68 (By Laubenberg), Relating to drug testing of certain persons seeking financial assistance benefits.

To Human Services.

HB 69 (By Laubenberg), Relating to the dispensing of certain drugs by physicians.

To Public Health.

HB 70 (By Dutton), Relating to a financial exigency of a school district.

To Public Education.

HB 71 (By Larson), Relating to the establishment of certain water and sewer utility rates and the transfer of certain functions from the Texas Commission on Environmental Quality to the Public Utility Commission of Texas.

To Natural Resources.

HB 72 (By Eissler), Relating to certain responsibilities of education research centers and to a joint advisory board for education research centers.

To Public Education.

HB 73 (By Hilderbran), Relating to the use of forfeited property proceeds by the district attorney for the 198th Judicial District.

To Judiciary and Civil Jurisprudence.

HB 74 (By Hilderbran), Relating to the use of forfeited property proceeds by the district attorney for the 198th Judicial District.

To Judiciary and Civil Jurisprudence.

HB 75 (By Harper-Brown), Relating to the punishment for the offense of indecent exposure.

To Criminal Jurisprudence.

HB 76 (By Harper-Brown), Relating to the bilingual education and special language programs offered in public schools.

To Public Education.

HB 77 (By Guillen), Relating to claims for and distribution of unclaimed land grant mineral proceeds.

To Business and Industry.

HB 78 (By Coleman), Relating to a county HIV and AIDS services Medicaid waiver program.

To Public Health.

HB 79 (By Lewis), Relating to fiscal and other matters necessary for implementation of the judiciary budget as enacted by **HB 1**, Acts of the 82nd Legislature, Regular Session, 2011, and to the operation and administration of, and practice and procedures in courts in, the judicial branch of state government.

To Judiciary and Civil Jurisprudence.

HCR 13 (By Garza), Urging Congress to enact an overhaul of the immigration system.

To State Affairs.

Pursuant to Rule 1, Section 4 of the House Rules, the chair corrects the referral of the following bills and resolutions:

HB 40 (By C. Anderson), Relating to an interlocal contract between a governmental entity and a purchasing cooperative to purchase roofing materials or services.

To Government Efficiency and Reform.

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

June 8

Corrections - **HB 26**

Government Efficiency and Reform - **HB 17**

