

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

EIGHTY-SEVENTH DAY — FRIDAY, MAY 27, 2011

The house met at 10 a.m. and, at the request of the speaker, was called to order by Representative Workman.

The roll of the house was called and a quorum was announced present (Record 1552).

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; 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; Woolley; Workman; Zedler; Zerwas.

Absent — Garza.

The invocation was offered by Kermit Bridges, pastor, Southwestern Assemblies of God University, Waxahachie.

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

CAPITOL PHYSICIAN

The chair recognized Representative D. Howard who presented Dr. James R. Brown of Austin as the "Doctor for the Day."

The house welcomed Dr. Brown and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

HR 1680 - PREVIOUSLY ADOPTED**(by Muñoz)**

The chair laid out and had read the following previously adopted resolution:

HR 1680, Congratulating Lazaro "Larry" Gallardo, Jr., of Hidalgo County on being named the 2010 Constable of the Year by the National Constables Association.

On motion of Representative V. Gonzales, the names of all the members of the house were added to **HR 1680** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Muñoz who introduced Lazaro "Larry" Gallardo, Jr., and members of his family.

HR 2523 - ADOPTED**(by Alonzo)**

Representative Alonzo moved to suspend all necessary rules to take up and consider at this time **HR 2523**.

The motion prevailed.

The following resolution was laid before the house:

HR 2523, Congratulating Tom Bohanan for his many years of service to Troop No. 8 of the Circle Ten Council of the Boy Scouts of America.

HR 2523 was adopted.

On motion of Representatives Kuempel and Geren, the names of all the members of the house were added to **HR 2523** as signers thereof.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today because of important business in the district:

Farias on motion of Raymond.

HR 1959 - PREVIOUSLY ADOPTED**(by Muñoz)**

The chair laid out and had read the following previously adopted resolution:

HR 1959, In memory of Border Patrol agent Eduardo Lee "Eddie" Vela of Mission.

On motion of Representative V. Gonzales, the names of all the members of the house were added to **HR 1959** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Muñoz who introduced family members and friends of Eduardo Lee "Eddie" Vela.

HR 1068 - PREVIOUSLY ADOPTED
(by Raymond)

The chair laid out and had read the following previously adopted resolution:

HR 1068, In memory of Barbara Kazen of Laredo.

On motion of Representative V. Gonzales, the names of all the members of the house were added to **HR 1068** as signers thereof.

INTRODUCTION OF GUEST

The chair recognized Representative Raymond who introduced George Kazen, son of Barbara Kazen.

HR 2549 - NOTICE OF INTRODUCTION

Pursuant to the provisions of Rule 13, Section 9(f) of the House Rules, the chair announced the introduction of **HR 2549**, suspending the limitations on the conferees for **HB 3726**.

HCR 165 - PREVIOUSLY ADOPTED
(by Guillen)

The chair laid out and had read the following previously adopted resolution:

HCR 165, Honoring the 2011 and 2012 Texas State Artist appointees.

(Deshotel in the chair)

On motion of Representative Guillen, the names of all the members of the house were added to **HCR 165** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Guillen who introduced the 2011 and 2012 Texas State Artist appointees.

(Speaker in the chair)

HCR 126 - ADOPTED
(by Thompson, Geren, et al.)

Representative Thompson moved to suspend all necessary rules to take up and consider at this time **HCR 126**.

The motion prevailed.

The following resolution was laid before the house:

HCR 126, In memory of the Honorable Edmund Kuempel of Seguin.

HCR 126 was read and was unanimously adopted by a rising vote.

On motion of the speaker, the names of all the members of the house were added to **HCR 126** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative Gallego who introduced family members of the Honorable Edmund Kuempel.

LEAVE OF ABSENCE GRANTED

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

Burnam on motion of Gutierrez.

HR 1984 - PREVIOUSLY ADOPTED (by Reynolds)

The chair laid out the following previously adopted resolution:

HR 1984, Congratulating Constable Ruben Davis, who is celebrating 15 years of service with Fort Bend County.

On motion of Representative Turner, the names of all the members of the house were added to **HR 1984** as signers thereof.

HR 2603 - ADOPTED (by Deshotel)

Representative Deshotel moved to suspend all necessary rules to take up and consider at this time **HR 2603**.

The motion prevailed.

The following resolution was laid before the house:

HR 2603, Honoring Roosevelt Petry, Jr., and Marlene Petry of Port Arthur for their business and community service achievements.

HR 2603 was adopted.

On motion of Representative Turner, the names of all the members of the house were added to **HR 2603** as signers thereof.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence temporarily for today because of important business:

Castro on motion of Turner.

Strama on motion of Turner.

The following member was granted leave of absence for the remainder of today because of important business in the district:

Price on motion of Kuempel.

(Ritter in the chair)

SB 158 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED

On motion of Representative Fletcher, the house granted the request of the senate for the appointment of a Conference Committee on **SB 158**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 158**: Fletcher, chair; Gallego, Deshotel, Woolley, and Hopson.

MESSAGES FROM THE SENATE

Messages from the senate were received at this time (see the addendum to the daily journal, Messages from the Senate, Message Nos. 1 and 2).

**SB 377 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Riddle, the house granted the request of the senate for the appointment of a Conference Committee on **SB 377**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 377**: Riddle, chair; C. Anderson, Dutton, Fletcher, and Weber.

**SB 516 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Fletcher, the house granted the request of the senate for the appointment of a Conference Committee on **SB 516**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 516**: Fletcher, chair; C. Anderson, Berman, Bonnen, and P. King.

**SB 472 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Gallego, the house granted the request of the senate for the appointment of a Conference Committee on **SB 472**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 472**: Giddings, chair; , Deshotel, Otto, Solomons, and Turner.

**SB 635 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Larson, the house granted the request of the senate for the appointment of a Conference Committee on **SB 635**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 635**: Larson, chair; Cook, T. King, Price, and Ritter.

**SB 773 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Gallego, the house granted the request of the senate for the appointment of a Conference Committee on **SB 773**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 773**: Gallego, chair; Chisum, Frullo, Hilderbran, and Muñoz.

**SB 875 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Hancock, the house granted the request of the senate for the appointment of a Conference Committee on **SB 875**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 875**: Hancock, chair; Bonnen, Chisum, Eiland, and W. Smith.

**SB 1010 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Workman, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1010**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1010**: Workman, chair; Carter, Gallego, Lucio, and Madden.

**SB 1134 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Craddick, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1134**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1134**: Craddick, chair; Hancock, Lozano, Sheffield, and W. Smith.

**SB 1320 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative V. Gonzales, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1320**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1320**: V. Gonzales, chair; R. Anderson, Deshotel, Kleinschmidt, and Raymond.

**SB 1331 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Gallego, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1331**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1331**: Gallego, chair; Aliseda, Christian, Rodriguez, and Zedler.

**SB 1543 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Larson, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1543**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1543**: Larson, chair; Guillen, Kuempel, Price, and Rodriguez.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today because of important business:

Villarreal on motion of Eiland.

**SB 1600 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative P. King, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1600**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1600**: P. King, chair; Beck, Fletcher, S. Miller, and Walle.

**SB 1664 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Truitt, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1664**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1664**: Truitt, chair; Hunter, Miles, Riddle, and Turner.

**SB 1717 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Lewis, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1717**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1717**: Lewis, chair; Jackson, Hartnett, Thompson, and Raymond.

**SB 1788 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Huberty, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1788**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1788**: Huberty, chair; Aycock, Strama, L. Taylor, and Weber.

**HB 1242 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

Representative Geren called up with senate amendments for consideration at this time,

HB 1242, A bill to be entitled An Act relating to the regulation of certain metal dealers; providing criminal penalties.

Representative Geren moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 1242**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1242**: Geren, chair; Cook, Frullo, Kuempel, and Ritter.

**SB 694 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative W. Smith, the house granted the request of the senate for the appointment of a Conference Committee on **SB 694**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 694**: W. Smith, chair; Cook, Deshotel, Fletcher, and Dutton.

**HB 272 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

Representative Hunter called up with senate amendments for consideration at this time,

HB 272, A bill to be entitled An Act relating to the operation and name of the Texas Windstorm Insurance Association and to the resolution of certain disputes concerning claims made to that association; providing penalties.

Representative Hunter moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 272**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 272**: Smithee, chair; Hancock, Thompson, L. Taylor, and Ritter.

**HB 2329 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Hughes called up with senate amendments for consideration at this time,

HB 2329, A bill to be entitled An Act relating to the confidentiality of certain information regarding victims of trafficking of persons and to the issuance and enforcement of protective orders to protect victims of trafficking of persons; providing penalties.

Representative Hughes moved to concur in the senate amendments to **HB 2329**.

The motion to concur in the senate amendments to **HB 2329** prevailed by (Record 1553): 139 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Carter; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farrar; Fletcher; Flynn; Frullo; Gallego; 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; Quintanilla; Raymond; Reynolds; Riddle; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Vo; Walle; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Burnam; Castro; Farias; Price; Strama; Villarreal.

Absent — Callegari; Garza; Weber.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 2329** (senate committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 25.026, Tax Code, is amended to read as follows:

Sec. 25.026. CONFIDENTIALITY OF CERTAIN ~~[VIOLENCE]~~ SHELTER CENTER AND SEXUAL ASSAULT PROGRAM ADDRESS INFORMATION. (a) In this section:

(1) "Family violence shelter center" has the meaning assigned by Section 51.002, Human Resources Code.

(2) "Sexual assault program" has the meaning assigned by Section 420.003, Government Code.

(3) "Victims of trafficking shelter center" means a program that:

(A) is operated by a public or private nonprofit organization; and

(B) provides comprehensive residential and nonresidential services

to victims of trafficking of persons under Section 20A.02, Penal Code.

(b) Information in appraisal records under Section 25.02 is confidential and is available only for the official use of the appraisal district, this state, the comptroller, and taxing units and political subdivisions of this state if the information identifies the address of a family violence shelter center, ~~or~~ a sexual assault program, or a victims of trafficking shelter center.

Senate Amendment No. 2 (Senate Floor Amendment No. 2)

Amend **HB 2329** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in added Article 7B.01(a), Code of Criminal Procedure (page 1, line 22), between "the applicant and the" and "alleged", insert "offender or"

(2) In SECTION 1 of the bill, in added Article 7B.01(b)(2), Code of Criminal Procedure (page 1, line 29), between "in which the" and "alleged", insert "offender or".

(3) In SECTION 1 of the bill, in added Article 7B.02, Code of Criminal Procedure (page 1, 36) between "to the" and "alleged", insert "offender or".

(4) In SECTION 1 of the bill, in the heading to proposed Article 7B.03, Code of Criminal Procedure (page 1, line 39) between "ISSUANCE OF" and "PROTECTIVE", insert "TEMPORARY PRETRIAL".

(5) In SECTION 1 of the bill, in proposed Article 7B.03(a), Code of Criminal Procedure (page 1, line 43), between "offense" and "under", insert "for which the subject of the protective order has been charged".

(6) In SECTION 1 of the bill, in proposed Article 7B.03(b), Code of Criminal Procedure (page 1, line 49), between "offense" and "under", insert "for which the subject of the protective order has been charged".

(7) In SECTION 1 of the bill, in proposed Article 7B.03(b), Code of Criminal Procedure (page 1, line 53), between "issue a" and "protective", insert "temporary".

(8) In SECTION 1 of the bill, in proposed Article 7B.03(b), Code of Criminal Procedure (page 1, line 54), before the underlined period, insert ", to be effective until the date the alleged offender is convicted or acquitted, or until the date on which the case involving the offense under Section 20A.02, Penal Code, is finally disposed."

(9) In SECTION 1 of the bill, in proposed Chapter 7B, Code of Criminal Procedure (page 1, between lines 54 and 55), insert the following proposed article of the chapter, and renumber subsequent articles of the chapter accordingly:

Art. 7B.04. REQUIRED FINDINGS; ISSUANCE OF POST-TRIAL PROTECTIVE ORDER. (a) At the close of a hearing on an application for a protective order under this chapter, the court shall find whether there are reasonable grounds to believe that the applicant is the victim of an offense for which the subject of the protective order has been convicted under Section 20A.02, Penal Code, and:

(1) is younger than 18 years of age; or

(2) regardless of age, is the subject of a threat that reasonably places the applicant in fear of further harm from the alleged offender.

(b) If the court finds reasonable grounds to believe that the applicant is the victim of an offense for which the subject of the protective order has been convicted under Section 20A.02, Penal Code, and is younger than 18 years of age, or regardless of age, the subject of a threat that reasonably places the applicant in fear of further harm from the offender, the court shall issue a protective order that includes a statement of the required findings.

(10) In SECTION 1 of the bill, in added Article 7B.05(a)(1), Code of Criminal Procedure (page 1, line 61) between "order the" and "alleged", insert "offender or".

(11) In SECTION 1 of the bill, in added Article 7B.05(a)(2), Code of Criminal Procedure (page 2, line 2) between "prohibit the" and "alleged", insert "offender or".

(12) In SECTION 1 of the bill, in added Article 7B.05(b), Code of Criminal Procedure (page 2, line 20) between "that the" and "alleged", insert "offender or".

(13) In SECTION 1 of the bill, in added Article 7B.05(c), Code of Criminal Procedure (page 2, line 26) between "by the" and "alleged", insert "offender or".

(14) In SECTION 1 of the bill, in added Article 7B.06(b), Code of Criminal Procedure (page 2, line 39) strike "IS" and substitute "MAY BE".

(15) In SECTION 1 of the bill, in the heading to proposed Article 7B.07, Code of Criminal Procedure (page 2, line 53), between "OF" and "PROTECTIVE", insert "POST-TRIAL".

(16) In SECTION 1 of the bill, strike proposed Article 7B.07(d), Code of Criminal Procedure (page 2, line 68 through page 3, line 4), and reletter subsequent subsections of the article accordingly.

HB 1541 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Dukes called up with senate amendments for consideration at this time,

HB 1541, A bill to be entitled An Act relating to the prevention of automobile burglary and theft.

Representative Dukes moved to concur in the senate amendments to **HB 1541**.

The motion to concur in the senate amendments to **HB 1541** prevailed by (Record 1554): 112 Yeas, 28 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Aycock; Beck; Berman; Bohac; Brown; Burkett; Button; Callegari; Carter; Chisum; Christian; Coleman; Cook; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farrar; Fletcher; Flynn; Frullo; Gallego; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Hartnett; Hernandez Luna; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hunter; Jackson; Johnson; Keffer; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Muñoz; Naishtat;

Nash; Oliveira; Orr; Otto; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Riddle; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, W.; Smithee; Solomons; Taylor, L.; Thompson; Torres; Turner; Veasey; Vo; Walle; Workman; Zerwas.

Nays — Anderson, C.; Bonnen; Branch; Cain; Craddick; Creighton; Gooden; Harless; Hilderbran; Hughes; Isaac; King, P.; Landtroop; Laubenberg; Lavender; Legler; Morrison; Murphy; Parker; Perry; Simpson; Smith, T.; Taylor, V.; Truitt; Weber; White; Woolley; Zedler.

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

Absent, Excused — Burnam; Castro; Farias; Price; Strama; Villarreal.

Absent — Garza; Harper-Brown.

STATEMENT OF VOTE

I was shown voting no on Record No. 1554. I intended to vote yes.

Isaac

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 1541** (senate committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS accordingly:

SECTION ____ . Section 10, Article 4413(37), Revised Statutes, is amended by amending Subsection (b) and adding Subsection (e) to read as follows:

(b) An insurer shall pay to the authority a fee equal to \$2 [~~\$4~~] multiplied by the total number of motor vehicle years of insurance for insurance policies delivered, issued for delivery, or renewed by the insurer. The fee shall be paid not later than:

(1) March 1 of each year for a policy issued, delivered, or renewed from July 1 through December 31 of the previous calendar year; and

(2) August 1 of each year for a policy issued, delivered, or renewed from January 1 through June 30 of that year.

(e) Fifty percent of each fee collected under Subsection (b) may be appropriated only to the authority for the purposes of this article.

SECTION ____ . The changes in law made by Section 10, Article 4413(37), Revised Statutes, as amended by this Act, apply only to an insurance policy issued, delivered, or renewed on or after the effective date of this Act. An insurance policy issued, delivered, or renewed before the effective date of this Act is governed by the law in effect on the date the insurance policy was issued, delivered, or renewed, and the former law is continued in effect for that purpose.

HB 971 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative P. King called up with senate amendments for consideration at this time,

HB 971, A bill to be entitled An Act relating to removal of the requirement that an electric utility designate a preferred route for a transmission line in an application for a certificate of convenience and necessity.

Representative P. King moved to concur in the senate amendments to **HB 971**.

The motion to concur in the senate amendments to **HB 971** prevailed by (Record 1555): 138 Yeas, 0 Nays, 3 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farrar; Fletcher; Flynn; Frullo; Gallego; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Hernandez Luna; 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; Quintanilla; Raymond; Reynolds; Riddle; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Burnam; Castro; Farias; Price; Strama; Villarreal.

Absent — Anchia; Garza; Harper-Brown.

Senate Amendment No. 1 (Senate Committee Amendment No. 1)

Amend **HB 971** as follows:

(1) In SECTION 1 of the bill, in the introductory language (page 1, line 34), between "(c)" and "to" insert "and Subsection (d)".

(2) In SECTION 1 of the bill, in amended Section 37.053, Utilities Code (page 1, between lines 37 and 38), insert the following:

(d) For transmission facilities ordered or approved by the commission under Chapters 37 or 39 to mitigate market power in accordance with Section 39.157(a), address reliability needs, or to otherwise ensure the competitiveness of electricity markets in this state, the rights extended to an electric corporation under Section 181.004 extend to all public and private land on which the commission has approved the construction of the line. This subsection does not limit a municipality's rights or an electric utility's obligations under Chapter 33.

(3) In SECTION 3 of the bill (page 1, line 41), strike "This Act" and substitute "The change in law made by this Act to Section 37.053(c), Utilities Code,".

Senate Amendment No. 2 (Senate Floor Amendment No. 1)

Amend Committee Amendment No. 1 to **HB 971** (Committee report) as follows:

(1) On page 1, lines 16-19, in added Section 37.053(d), strike "to mitigate market power in accordance with Section 39.157(a), address reliability needs, or to otherwise ensure the competitiveness of electricity markets in this state".

(2) On page 1, line 20, in added Section 37.053(d), strike "extend to all public and private land" and substitute "include all public land, except land owned by the state".

(3) On page 1, line 23, in added Section 37.053(d), after " ", insert "Nothing in this subsection shall be interpreted to prevent a public entity from expressing a route preference in a proceeding under this chapter."

Senate Amendment No. 3 (Senate Floor Amendment No. 2)

Amend **HB 971** (senate committee report) by adding the following appropriately numbered SECTION and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) Section 37.056, Utilities Code, is amended by adding Subsection (d) to read as follows:

(d) The commission by rule shall establish criteria, in addition to the criteria described by Subsection (c), for granting a certificate for a transmission project that serves the ERCOT power region, that is not necessary to meet state or federal reliability standards, and that does not serve a competitive renewable energy zone. The criteria must include a comparison of the estimated cost of the transmission project and the estimated cost savings that may result from the transmission project. The commission shall include with its decision on an application for a certificate to which this subsection applies findings on the criteria.

(b) The change in law made by this section applies only to a certificate application filed with the Public Utility Commission of Texas on or after the effective date of this Act and to a certificate application pending on the effective date of this Act. A certificate application filed with the Public Utility Commission of Texas before the effective date of this Act and not pending on the effective date of this Act is subject to the law in effect on the date the application is filed, and that law is continued in effect for that purpose.

**HB 1244 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Gallego called up with senate amendments for consideration at this time,

HB 1244, A bill to be entitled An Act relating to developmental education courses and the assessment of student readiness under the Texas Success Initiative for public institutions of higher education.

Representative Gallego moved to concur in the senate amendments to **HB 1244**.

The motion to concur in the senate amendments to **HB 1244** prevailed by (Record 1556): 130 Yeas, 9 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farrar; Fletcher; Flynn; Frullo; Gallego; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; 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; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Riddle; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Thompson; Torres; Turner; Veasey; Vo; Walle; Weber; Woolley; Workman; Zerwas.

Nays — Carter; Harless; Landtroop; Miller, S.; Perry; Taylor, V.; Truitt; White; Zedler.

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

Absent, Excused — Burnam; Castro; Farias; Price; Strama; Villarreal.

Absent — Anchia; Garza; Harper-Brown.

STATEMENT OF VOTE

I was shown voting yes on Record No. 1556. I intended to vote no.

Phillips

Senate Amendment No. 1 (Senate Committee Amendment No. 1)

Amend **HB 1244**:

Add SECTION 54.225

SEC. 54.225 STUDENTS ENROLLED IN NON-SEMESTER-LENGTH DEVELOPMENTAL EDUCATION INTERVENTIONS.

The governing board of an institution of higher education may exempt from the payment of tuition authorized by this chapter a student who is participating in an approved non-semester-length developmental education intervention (including course-based, non-course-based, alternative-entry/exit, and other intensive developmental education activities).

Senate Amendment No. 2 (Senate Floor Amendment No. 1)

Amend **HB 1244** (senate committee printing) by striking SECTION 1 of the bill, amending Section 51.3062, Education Code, and substituting the following appropriately numbered SECTION:

SECTION _____. Section 51.3062, Education Code, is amended by adding Subsections (a-1), (i-2), (i-3), and (i-4) and amending Subsections (f), (i), and (k) to read as follows:

(a-1) In this section, "program evaluation" means a systematic method of collecting, analyzing, and using information to answer questions about developmental education courses, interventions, and policies, particularly about their effectiveness and cost-efficiency.

(f) Each assessment instrument designated by the board for use under this section must be diagnostic in nature and designed to assess a student's readiness to perform freshman-level academic coursework. The board shall prescribe a single standard or set of standards for each [the] assessment instrument to effectively measure student readiness as demonstrated by current research [of instruments that reflect that student readiness. An institution of higher education may adopt more stringent assessment standards with respect to student readiness].

(i) The institution of higher education may refer a student to developmental coursework as considered necessary by the institution to address a student's deficiencies in the student's readiness to perform freshman-level academic coursework, except that the institution may not require enrollment in developmental coursework with respect to a student previously determined under Subsection (q-1) or determined by any institution of higher education to have met college-readiness standards. An institution that requires a student to enroll in developmental coursework must offer a range of developmental coursework, including online coursework, or instructional support that includes the integration of technology to efficiently address the particular developmental needs of the student.

(i-2) An institution of higher education must base developmental coursework on research-based best practices that include the following components:

- (1) assessment;
- (2) differentiated placement and instruction;
- (3) faculty development;
- (4) support services;
- (5) program evaluation;
- (6) integration of technology with an emphasis on instructional support

programs;

- (7) non-course-based developmental education interventions; and

(8) course pairing of developmental education courses with credit-bearing courses.

(i-3) The board shall adopt rules for the implementation of Subsection (i-2).

(i-4) The board, in consultation with institutions of higher education, shall develop and provide professional development programs, including instruction in differentiated instruction methods designed to address students' diverse learning needs, to faculty and staff who provide developmental coursework to students.

(k) An institution of higher education shall determine when a student is ready to perform freshman-level academic coursework. The institution must make its determination using learning outcomes for developmental education

courses developed by the board based on established college and career readiness standards and student performance on one or more appropriate assessments ~~[on an individual basis according to the needs of the student. The determination shall include:~~

~~[(1) requiring a student to retake a board approved assessment instrument, if the student did not initially perform within a deviation established by the board; or~~

~~[(2) other board approved means of evaluating student readiness, if the student did not initially pass the assessment instrument but performed within a deviation established by the board].~~

**HB 2770 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

Representative W. Smith called up with senate amendments for consideration at this time,

HB 2770, A bill to be entitled An Act relating to the powers and duties of navigation districts, port authorities, and certain municipalities.

Representative W. Smith moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 2770**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 2770**: W. Smith, chair; Callegari, Thompson, Hunter, and Phillips.

**HB 1781 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Callegari called up with senate amendments for consideration at this time,

HB 1781, A bill to be entitled An Act relating to obsolete or redundant reporting requirements applicable to state agencies.

Representative Callegari moved to concur in the senate amendments to **HB 1781**.

The motion to concur in the senate amendments to **HB 1781** prevailed by, (Record 1557): 139 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farrar; Fletcher; Flynn; Frullo; Gallego; Geren; Giddings; Gonzales, L.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; 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; Quintanilla; Raymond; Reynolds; Riddle; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Burnam; Castro; Farias; Price; Strama; Villarreal.

Absent — Garza; Gonzales, V.; Harper-Brown.

Senate Committee Substitute

CSHB 1781, A bill to be entitled An Act relating to obsolete or redundant reporting requirements applicable to state agencies.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 2052, Government Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. OBSOLETE OR REDUNDANT REPORTING REQUIREMENTS

Sec. 2052.401. DEFINITIONS. In this subchapter:

(1) "Executive director" means the executive head of a state agency. The term includes an executive director, commissioner, or executive commissioner as appropriate for the state agency.

(2) "State agency" means:

(A) a board, commission, department, office, or other agency in the executive branch of state government that was created by the constitution or a statute of the state, including an institution of higher education as defined by Section 61.003, Education Code;

(B) the legislature or a legislative agency; and

(C) the supreme court, the court of criminal appeals, a court of appeals, or a state judicial agency.

Sec. 2052.402. EXAMINATION OF REPORTING REQUIREMENTS. (a) Not later than August 1, 2012, the executive director of each state agency shall:

(1) examine the agency's reporting requirements established by a state statute enacted before January 1, 2009, and not amended since that date, and identify each reporting requirement that the executive director determines:

(A) is not necessary to accomplish the objectives of the statute that contains the reporting requirement;

(B) is redundant of other statutory reporting requirements; or

(C) is required under statute to be provided at a frequency for which data is not available; and

(2) provide to the governor, lieutenant governor, speaker of the house of representatives, chair of the House Committee on Government Efficiency and Reform, chair of the Senate Committee on Government Organization, chair of each standing committee of the senate and house of representatives with jurisdiction over the agency, Texas State Library and Archives Commission, and Legislative Budget Board an electronic report that includes:

(A) each statutory reporting requirement for which the executive director made a determination described by Subdivision (1); and

(B) the justification for the executive director's determination for each reporting requirement.

(b) The executive director may not include in the initial report issued under Subsection (a)(2) a reporting requirement that is required by federal law.

Sec. 2052.403. EXPIRATION. This subchapter expires September 1, 2014.

SECTION 2. Section 325.011, Government Code, is amended to read as follows:

Sec. 325.011. CRITERIA FOR REVIEW. The commission and its staff shall consider the following criteria in determining whether a public need exists for the continuation of a state agency or its advisory committees or for the performance of the functions of the agency or its advisory committees:

(1) the efficiency and effectiveness with which the agency or the advisory committee operates;

(2)(A) an identification of the mission, goals, and objectives intended for the agency or advisory committee and of the problem or need that the agency or advisory committee was intended to address; and

(B) the extent to which the mission, goals, and objectives have been achieved and the problem or need has been addressed;

(3)(A) an identification of any activities of the agency in addition to those granted by statute and of the authority for those activities; and

(B) the extent to which those activities are needed;

(4) an assessment of authority of the agency relating to fees, inspections, enforcement, and penalties;

(5) whether less restrictive or alternative methods of performing any function that the agency performs could adequately protect or provide service to the public;

(6) the extent to which the jurisdiction of the agency and the programs administered by the agency overlap or duplicate those of other agencies, the extent to which the agency coordinates with those agencies, and the extent to which the programs administered by the agency can be consolidated with the programs of other state agencies;

(7) the promptness and effectiveness with which the agency addresses complaints concerning entities or other persons affected by the agency, including an assessment of the agency's administrative hearings process;

(8) an assessment of the agency's rulemaking process and the extent to which the agency has encouraged participation by the public in making its rules and decisions and the extent to which the public participation has resulted in rules that benefit the public;

(9) the extent to which the agency has complied with:

(A) federal and state laws and applicable rules regarding equality of employment opportunity and the rights and privacy of individuals; and

(B) state law and applicable rules of any state agency regarding purchasing guidelines and programs for historically underutilized businesses;

(10) the extent to which the agency issues and enforces rules relating to potential conflicts of interest of its employees;

(11) the extent to which the agency complies with Chapters 551 and 552 and follows records management practices that enable the agency to respond efficiently to requests for public information; ~~and~~

(12) the effect of federal intervention or loss of federal funds if the agency is abolished; and

(13) the extent to which the purpose and effectiveness of reporting requirements imposed on the agency justifies the continuation of the requirement.

SECTION 3. Subsection (a), Section 325.012, Government Code, is amended to read as follows:

(a) In its report on a state agency, the commission shall:

(1) make recommendations on the abolition, continuation, or reorganization of each affected state agency and its advisory committees and on the need for the performance of the functions of the agency and its advisory committees;

(2) make recommendations on the consolidation, transfer, or reorganization of programs within state agencies not under review when the programs duplicate functions performed in agencies under review; ~~and~~

(3) make recommendations to improve the operations of the agency, its policy body, and its advisory committees, including management recommendations that do not require a change in the agency's enabling statute; and

(4) make recommendations on the continuation or abolition of each reporting requirement imposed on the agency by law.

SECTION 4. This Act takes effect September, 1, 2011.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 1781** by adding the appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subsection (c), Section 61.0815, Education Code, is amended to read as follows:

(c) The ~~[attorney general and the]~~ president of each institution of higher education shall collect all necessary data for inclusion in the report required by this section.

SECTION 2. Subsection (a), Section 231.005, Family Code, is amended to read as follows:

(a) The Title IV-D agency shall report to the legislature each biennium on:

(1) the effectiveness of the agency's child support enforcement activity in reducing the state's public assistance obligations; and

(2) the use and effectiveness of all enforcement tools authorized by state or federal law or otherwise available to the agency; ~~and~~

~~[(3) the progress and impact of the Title IV D agency's efforts to use private contractors to perform Title IV D program functions].~~

SECTION 3. Section 41.002, Government Code, is amended to read as follows:

Sec. 41.002. NOTIFICATION OF ADDRESS. Each district and county attorney shall notify the ~~[attorney general and]~~ comptroller of his post office address as soon as practicable after his election and qualification.

SECTION 4. Subsections (a) and (c), Section 242.005, Health and Safety Code, are amended to read as follows:

(a) The department ~~[and the attorney general each]~~ shall prepare annually a full report of the operation and administration of the department's ~~[their respective]~~ responsibilities under this chapter, including recommendations and suggestions considered advisable.

(c) The department ~~[and the attorney general]~~ shall submit the required report ~~[reports]~~ to the governor and the legislature not later than October 1 of each year.

SECTION 5. Subsection (c), Section 247.050, Health and Safety Code, is amended to read as follows:

(c) The department ~~[and the attorney general]~~ shall file a copy of the quarterly reports required by this section with the substantive committees of each house of the legislature with jurisdiction over regulation of assisted living facilities.

SECTION 6. Subsection (b), Section 311.016, Tax Code, as amended by Chapters 977 (**HB 1820**) and 1094 (**HB 2120**), Acts of the 79th Legislature, Regular Session, 2005, is reenacted and amended to read as follows:

(b) The municipality or county shall send a copy of a report made under this section to:

- ~~[(1) the attorney general; and~~
- ~~[(2)] the comptroller.~~

SECTION 7. The following provisions are repealed:

- (1) Subsection (e), Section 236.002, Family Code;
- (2) Section 402.034, Government Code;
- (3) Section 481.168, Government Code;
- (4) Section 2107.005, Government Code;
- (5) Subsection (b), Section 247.050, Health and Safety Code;
- (6) Section 240.903, Local Government Code; and
- (7) Section 395.082, Local Government Code.

SECTION 8. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2011.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today because of important business:

Marquez on motion of Guillen.

**HB 1720 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative J. Davis called up with senate amendments for consideration at this time,

HB 1720, A bill to be entitled An Act relating to improving health care provider accountability and efficiency under the child health plan and Medicaid programs.

Representative J. Davis moved to concur in the senate amendments to **HB 1720**.

The motion to concur in the senate amendments to **HB 1720** prevailed by (Record 1558): 136 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Cain; Callegari; Carter; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Eiland; Eissler; Elkins; Fletcher; Flynn; Frullo; Gallego; 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; 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; Quintanilla; Raymond; Reynolds; Riddle; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Burnam; Castro; Farias; Marquez; Price; Strama; Villarreal.

Absent — Button; Dutton; Farrar; Garza; Taylor, L.

STATEMENT OF VOTE

When Record No. 1558 was taken, my vote failed to register. I would have voted yes.

Dutton

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 1720** (senate committee printing) as follows:

(1) In SECTION 2 of the bill, in added Section 531.1131(a)(1), Government Code (page 1, line 40), between "immediately" and "notify", insert "and contemporaneously".

(2) In SECTION 2 of the bill, in added Section 531.1131(a)(1), Government Code (page 1, line 41), between "general" and the semicolon, insert "and the office of the attorney general".

(3) In SECTION 2 of the bill, in added Section 531.1131(b), Government Code (page 1, line 52), between "general" and "under", insert "and the office of the attorney general".

(4) In SECTION 2 of the bill, in added Section 531.1131(b), Government Code (page 1, line 53), strike "the office" and substitute "either office".

Senate Amendment No. 2 (Senate Floor Amendment No. 2)

Amend **HB 1720** (senate committee printing) as follows:

(1) In SECTION 5 of the bill, in added Section 32.068(a), Human Resources Code (page 2, line 59), strike "six-month period" and substitute "12-month period".

(2) In SECTION 5 of the bill, in added Section 32.068(b), Human Resources Code (page 2, line 67), strike "six-month period" and substitute "12-month period".

(3) In SECTION 5 of the bill, in added Section 32.068(c), Human Resources Code (page 3, line 2), immediately following the period, insert "The executive commissioner may by rule adopt limited exceptions to the requirements of this section."

Senate Amendment No. 3 (Senate Floor Amendment No. 3)

Amend **HB 1720** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 142.001, Health and Safety Code, is amended by adding Subdivisions (11-a), (11-b), and (12-a) to read as follows:

(11-a) "Department" means the Department of Aging and Disability Services.

(11-b) "Executive commissioner" means the executive commissioner of the Health and Human Services Commission.

(12-a) "Home and community support services agency administrator" or "administrator" means the person who is responsible for implementing and supervising the administrative policies and operations of the home and community support services agency and for administratively supervising the provision of all services to agency clients on a day-to-day basis.

SECTION _____. Section 142.0025, Health and Safety Code, is amended to read as follows:

Sec. 142.0025. TEMPORARY LICENSE. If a person is in the process of becoming certified by the United States Department of Health and Human Services to qualify as a certified agency, the department may issue a temporary home and community support services agency license to the person authorizing the person to provide certified home health services. A temporary license is effective as provided by [~~board~~] rules adopted by the executive commissioner.

SECTION _____. Section 142.009, Health and Safety Code, is amended by adding Subsections (a-1) and (i) and amending Subsection (g) to read as follows:

(a-1) A license applicant or license holder must provide the department representative conducting the survey with a reasonable and safe workspace at the premises. The executive commissioner may adopt rules to implement this subsection.

(g) After a survey of a home and community support services agency by the department, the department shall provide to the home and community support services ~~chief executive officer of the~~ agency administrator:

(1) specific and timely written notice of the official findings of the survey, including:

(A) the specific nature of the survey;

(B) any alleged violations of a specific statute or rule;

(C) the specific nature of any finding regarding an alleged violation or deficiency; and

(D) if a deficiency is alleged, the severity of the deficiency;

(2) information on the identity, including the name ~~signature~~, of each department representative conducting or reviewing ~~or approving~~ the results of the survey and the date on which the department representative acted on the matter; and

(3) if requested by the agency, copies of all documents relating to the survey maintained by the department or provided by the department to any other state or federal agency that are not confidential under state law.

(i) Except as provided by Subsection (h), the department may not renew an initial home and community support services agency license unless the department has conducted an initial on-site survey of the agency.

SECTION _____. The heading to Section 142.0091, Health and Safety Code, is amended to read as follows:

Sec. 142.0091. ~~[SURVEYOR]~~ TRAINING.

SECTION _____. Section 142.0091, Health and Safety Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) In developing and updating the training required by Subsection (a) ~~this section~~, the department shall consult with and include providers of home health, hospice, and personal assistance services, recipients of those services and their family members, and representatives of appropriate advocacy organizations.

(c) The department at least semiannually shall provide joint training for home and community support services agencies and surveyors on subjects that address the 10 most common violations of federal or state law by home and community support services agencies. The department may charge a home and community support services agency a fee, not to exceed \$50 per person, for the training.

SECTION _____. Subchapter A, Chapter 142, Health and Safety Code, is amended by adding Section 142.0104 to read as follows:

Sec. 142.0104. CHANGE IN APPLICATION INFORMATION. (a) If certain application information as specified by executive commissioner rule changes after the applicant submits an application to the department for a license

under this chapter or after the department issues the license, the license holder shall report the change to the department and pay a fee not to exceed \$50 not later than the time specified by executive commissioner rule.

(b) The executive commissioner by rule shall:

(1) specify the information provided in an application that a license holder shall report to the department if the information changes;

(2) prescribe the time for reporting a change in the application information required by Subdivision (1);

(3) establish which changes required to be reported under Subdivision (1) will require department evaluation and approval; and

(4) set the amount of a late fee to be assessed against a license holder who fails to report a change in the application information within the time prescribed under Subdivision (2).

SECTION _____. Subsection (a), Section 142.011, Health and Safety Code, is amended to read as follows:

(a) The department may deny a license application or suspend or revoke the license of a person who:

(1) fails to comply with the rules or standards for licensing required by this chapter; or

(2) engages in conduct that violates Section 102.001, Occupations Code ~~[161.094]~~.

SECTION _____. Subsections (a), (b), and (c), Section 142.012, Health and Safety Code, are amended to read as follows:

(a) The executive commissioner ~~[board, with the recommendations of the council]~~ shall adopt rules necessary to implement this chapter. The executive commissioner may adopt rules governing the duties and responsibilities of home and community support services agency administrators, including rules regarding:

(1) an administrator's management of daily operations of the home and community support services agency;

(2) an administrator's responsibility for supervising the provision of quality care to agency clients;

(3) an administrator's implementation of agency policy and procedures;
and

(4) an administrator's responsibility to be available to the agency at all times in person or by telephone.

(b) The executive commissioner ~~[board]~~ by rule shall set minimum standards for home and community support services agencies licensed under this chapter that relate to:

(1) qualifications for professional and nonprofessional personnel, including volunteers;

(2) supervision of professional and nonprofessional personnel, including volunteers;

(3) the provision and coordination of treatment and services, including support and bereavement services, as appropriate;

(4) the management, ownership, and organizational structure, including lines of authority and delegation of responsibility and, as appropriate, the composition of an interdisciplinary team;

(5) clinical and business records;

(6) financial ability to carry out the functions as proposed;

(7) safety, fire prevention, and sanitary standards for residential units and inpatient units; and

(8) any other aspects of home health, hospice, or personal assistance services as necessary to protect the public.

(c) The initial minimum standards adopted [~~by the board~~] under Subsection (b) for hospice services must be at least as stringent as the conditions of participation for a Medicare certified provider of hospice services in effect on April 30, 1993, under Title XVIII, Social Security Act (42 U.S.C. Section 1395 et seq.).

SECTION _____. As soon as practicable after the effective date of this Act but not later than July 1, 2012, the executive commissioner of the Health and Human Services Commission shall adopt the rules necessary to implement the changes in law made by this article to Chapter 142, Health and Safety Code.

SECTION _____. Subsection (e), Section 242.032, Health and Safety Code, is amended to read as follows:

(e) In making the evaluation required by Subsection (d), the department shall require the applicant or license holder to file a sworn affidavit of a satisfactory compliance history and any other information required by the department to substantiate a satisfactory compliance history relating to each state or other jurisdiction in which the applicant or license holder and any other person described by Subsection (d) operated an institution at any time before [~~during the five-year period preceding~~] the date on which the application is made. The department by rule shall determine what constitutes a satisfactory compliance history. The department may consider and evaluate the compliance history of the applicant and any other person described by Subsection (d) for any period during which the applicant or other person operated an institution in this state or in another state or jurisdiction. The department may also require the applicant or license holder to file information relating to the history of the financial condition of the applicant or license holder and any other person described by Subsection (d) with respect to an institution operated in another state or jurisdiction at any time before [~~during the five-year period preceding~~] the date on which the application is made.

SECTION _____. Subsection (b), Section 242.0615, Health and Safety Code, is amended to read as follows:

(b) Exclusion of a person under this section must extend for a period of at least two years and [~~but~~] may extend throughout the person's lifetime or existence [~~not exceed a period of 10 years~~].

SECTION _____. Subsection (e), Section 242.032, Health and Safety Code, as amended by this article, applies only to an application, including a renewal application, filed on or after the effective date of this Act. An application filed before the effective date of this Act is governed by the law in effect when the application was filed, and the former law is continued in effect for that purpose.

SECTION _____. Subsection (b), Section 242.0615, Health and Safety Code, as amended by this article, applies only to conduct that occurs on or after the effective date of this Act. Conduct that occurs before the effective date of this Act is governed by the law in effect at the time the conduct occurred, and the former law is continued in effect for that purpose.

SECTION _____. Section 250.001, Health and Safety Code, is amended by amending Subdivision (1) and adding Subdivisions (3-a) and (3-b) to read as follows:

(1) "Nurse aide registry" means a list maintained by the ~~[Texas]~~ Department of Aging and Disability ~~[Human]~~ Services of nurse aides under the Omnibus Budget Reconciliation Act of 1987 (Pub. L. No. 100-203).

(3-a) "Financial management services agency" means an entity that contracts with the Department of Aging and Disability Services to serve as a fiscal and employer agent for an individual employer in the consumer-directed service option described by Section 531.051, Government Code.

(3-b) "Individual employer" means an individual or legally authorized representative who participates in the consumer-directed service option described by Section 531.051, Government Code, and is responsible for hiring service providers to deliver program services.

SECTION _____. Section 250.002, Health and Safety Code, is amended by amending Subsection (a) and adding Subsection (c-1) to read as follows:

(a) A facility, a regulatory agency, a financial management services agency on behalf of an individual employer, or a private agency on behalf of a facility is entitled to obtain from the Department of Public Safety of the State of Texas criminal history record information maintained by the Department of Public Safety that relates to a person who is:

(1) an applicant for employment at a facility other than a facility licensed under Chapter 142;

(2) an employee of a facility other than a facility licensed under Chapter 142; ~~[or]~~

(3) an applicant for employment at or an employee of a facility licensed under Chapter 142 whose employment duties would or do involve direct contact with a consumer in the facility; or

(4) an applicant for employment by or an employee of an individual employer.

(c-1) A financial management services agency shall forward criminal history record information received under this section to the individual employer requesting the information.

SECTION _____. Section 250.003, Health and Safety Code, is amended by amending Subsection (a) and adding Subsection (c-1) to read as follows:

(a) A facility or individual employer may not employ an applicant:

(1) if the facility or individual employer determines, as a result of a criminal history check, that the applicant has been convicted of an offense listed in this chapter that bars employment or that a conviction is a contraindication to employment with the consumers the facility or individual employer serves;

(2) if the applicant is a nurse aide, until the facility further verifies that the applicant is listed in the nurse aide registry; and

(3) until the facility verifies that the applicant is not designated in the registry maintained under this chapter or in the employee misconduct registry maintained under Section 253.007 as having a finding entered into the registry concerning abuse, neglect, or mistreatment of a consumer of a facility, or misappropriation of a consumer's property.

(c-1) An individual employer shall immediately discharge any employee whose criminal history check reveals conviction of a crime that bars employment or that the individual employer determines is a contraindication to employment as provided by this chapter.

SECTION _____. Section 250.004, Health and Safety Code, is amended to read as follows:

Sec. 250.004. CRIMINAL HISTORY RECORD OF EMPLOYEES.

(a) Identifying information of an employee in a covered facility or of an employee of an individual employer shall be submitted electronically, on disk, or on a typewritten form to the Department of Public Safety to obtain the person's criminal conviction record when the person applies for employment and at other times as the facility or individual employer may determine appropriate. In this subsection, "identifying information" includes:

(1) the complete name, race, and sex of the employee;

(2) any known identifying number of the employee, including social security number, driver's license number, or state identification number; and

(3) the employee's date of birth.

(b) If the Department of Public Safety reports that a person has a criminal conviction of any kind, the conviction shall be reviewed by the facility, the financial management services agency, or the individual employer to determine if the conviction may bar the person from employment in a facility or by the individual employer under Section 250.006 or if the conviction may be a contraindication to employment.

SECTION _____. Section 250.005, Health and Safety Code, is amended to read as follows:

Sec. 250.005. NOTICE AND OPPORTUNITY TO BE HEARD CONCERNING ACCURACY OF INFORMATION. (a) If a facility, financial management services agency, or individual employer believes that a conviction may bar a person from employment in a facility or by the individual employer under Section 250.006 or may be a contraindication to employment, the facility or individual employer shall notify the applicant or employee.

(b) The Department of Public Safety of the State of Texas shall give a person notified under Subsection (a) the opportunity to be heard concerning the accuracy of the criminal history record information and shall notify the facility or individual employer if inaccurate information is discovered.

SECTION _____. Subsections (a) and (b), Section 250.006, Health and Safety Code, are amended to read as follows:

(a) A person for whom the facility or the individual employer is entitled to obtain criminal history record information may not be employed in a facility or by an individual employer if the person has been convicted of an offense listed in this subsection:

- (1) an offense under Chapter 19, Penal Code (criminal homicide);
 - (2) an offense under Chapter 20, Penal Code (kidnapping and unlawful restraint);
 - (3) an offense under Section 21.02, Penal Code (continuous sexual abuse of young child or children), or Section 21.11, Penal Code (indecenty with a child);
 - (4) an offense under Section 22.011, Penal Code (sexual assault);
 - (5) an offense under Section 22.02, Penal Code (aggravated assault);
 - (6) an offense under Section 22.04, Penal Code (injury to a child, elderly individual, or disabled individual);
 - (7) an offense under Section 22.041, Penal Code (abandoning or endangering child);
 - (8) an offense under Section 22.08, Penal Code (aiding suicide);
 - (9) an offense under Section 25.031, Penal Code (agreement to abduct from custody);
 - (10) an offense under Section 25.08, Penal Code (sale or purchase of a child);
 - (11) an offense under Section 28.02, Penal Code (arson);
 - (12) an offense under Section 29.02, Penal Code (robbery);
 - (13) an offense under Section 29.03, Penal Code (aggravated robbery);
 - (14) an offense under Section 21.08, Penal Code (indecent exposure);
 - (15) an offense under Section 21.12, Penal Code (improper relationship between educator and student);
 - (16) an offense under Section 21.15, Penal Code (improper photography or visual recording);
 - (17) an offense under Section 22.05, Penal Code (deadly conduct);
 - (18) an offense under Section 22.021, Penal Code (aggravated sexual assault);
 - (19) an offense under Section 22.07, Penal Code (terroristic threat);
 - (20) an offense under Section 33.021, Penal Code (online solicitation of a minor);
 - (21) an offense under Section 34.02, Penal Code (money laundering);
 - (22) an offense under Section 35A.02, Penal Code (Medicaid fraud);
 - (23) an offense under Section 42.09, Penal Code (cruelty to animals);
- or
- (24) a conviction under the laws of another state, federal law, or the Uniform Code of Military Justice for an offense containing elements that are substantially similar to the elements of an offense listed by this subsection.

(b) A person may not be employed in a position the duties of which involve direct contact with a consumer in a facility or may not be employed by an individual employer before the fifth anniversary of the date the person is convicted of:

(1) an offense under Section 22.01, Penal Code (assault), that is punishable as a Class A misdemeanor or as a felony;

(2) an offense under Section 30.02, Penal Code (burglary);

(3) an offense under Chapter 31, Penal Code (theft), that is punishable as a felony;

(4) an offense under Section 32.45, Penal Code (misapplication of fiduciary property or property of a financial institution), that is punishable as a Class A misdemeanor or a felony;

(5) an offense under Section 32.46, Penal Code (securing execution of a document by deception), that is punishable as a Class A misdemeanor or a felony;

(6) an offense under Section 37.12, Penal Code (false identification as peace officer); or

(7) an offense under Section 42.01(a)(7), (8), or (9), Penal Code (disorderly conduct).

SECTION _____. Subsections (a) and (b), Section 250.007, Health and Safety Code, are amended to read as follows:

(a) The criminal history records are for the exclusive use of the regulatory agency, the requesting facility, the private agency on behalf of the requesting facility, the financial management services agency on behalf of the individual employer, the individual employer, and the applicant or employee who is the subject of the records.

(b) All criminal records and reports and the information they contain that are received by the regulatory agency or private agency for the purpose of being forwarded to the requesting facility or received by the financial management services agency under this chapter are privileged information.

SECTION _____. Subsection (a), Section 250.009, Health and Safety Code, is amended to read as follows:

(a) A facility, ~~or~~ an officer or employee of a facility, a financial management services agency, or an individual employer is not civilly liable for failure to comply with this chapter if the facility, financial management services agency, or individual employer makes a good faith effort to comply.

SECTION _____. Section 411.1143, Government Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) The Health and Human Services Commission, ~~or~~ an agency operating part of the medical assistance program under Chapter 32, Human Resources Code, or the office of inspector general established under Chapter 531, Government Code, is entitled to obtain from the department the criminal history record information maintained by the department that relates to a provider under the medical assistance program or a person applying to enroll as a provider under the medical assistance program.

(a-1) Criminal history record information an agency or the office of inspector general is authorized to obtain under Subsection (a) includes criminal history record information relating to:

(1) a person with a direct or indirect ownership or control interest, as defined by 42 C.F.R. Section 455.101, in a provider of five percent or more; and

(2) a person whose information is required to be disclosed in accordance with 42 C.F.R. Part 1001.

SECTION ____ Subdivision (2), Subsection (g), Section 531.102, Government Code, is amended to read as follows:

(2) In addition to other instances authorized under state or federal law, the office shall impose without prior notice a hold on payment of claims for reimbursement submitted by a provider to compel production of records, ~~or~~ when requested by the state's Medicaid fraud control unit, or on receipt of reliable evidence that the circumstances giving rise to the hold on payment involve fraud or wilful misrepresentation under the state Medicaid program in accordance with 42 C.F.R. Section 455.23, as applicable. The office must notify the provider of the hold on payment in accordance with 42 C.F.R. Section 455.23(b) [not later than the fifth working day after the date the payment hold is imposed].

SECTION ____ The heading to Section 531.1031, Government Code, is amended to read as follows:

Sec. 531.1031. DUTY TO EXCHANGE INFORMATION [~~REGARDING ALLEGATIONS OF MEDICAID FRAUD OR ABUSE~~].

SECTION ____ Subdivision (2), Subsection (a), Section 531.1031, Government Code, is amended to read as follows:

(2) "Participating agency" means:

(A) the Medicaid fraud enforcement divisions of the office of the attorney general; ~~and~~

(B) each board or agency with authority to license, register, regulate, or certify a health care professional or managed care organization that may participate in the state Medicaid program; and

(C) the commission's office of inspector general.

SECTION ____ Section 531.1031, Government Code, is amended by amending Subsections (b) and (c) and adding Subsection (c-1) to read as follows:

(b) This section applies only to criminal history record information held by a participating agency that relates to a health care professional and information held by a participating agency that relates to a health care professional or managed care organization that is the subject of an investigation by a participating agency for alleged fraud or abuse under the state Medicaid program.

(c) A participating agency may submit to another participating agency a written request for information described by Subsection (b) regarding a health care professional or managed care organization [that is the subject of an investigation by the participating agency to any other participating agency]. The participating agency that receives the request shall provide the requesting agency with the information regarding the health care professional or managed care organization unless:

(1) the release of the information would jeopardize an ongoing investigation or prosecution by the participating agency with possession of the information; or

(2) the release of the information is prohibited by other law.

(c-1) Notwithstanding any other law, a participating agency may enter into a memorandum of understanding or agreement with another participating agency for the purpose of exchanging criminal history record information relating to a health care professional that both participating agencies are authorized to access under Chapter 411. Confidential criminal history record information in the possession of a participating agency that is provided to another participating agency in accordance with this subsection remains confidential while in the possession of the participating agency that receives the information.

SECTION _____. Section 32.0322, Human Resources Code, is amended to read as follows:

Sec. 32.0322. CRIMINAL HISTORY RECORD INFORMATION; ENROLLMENT OF PROVIDERS. (a) The department or the office of inspector general established under Chapter 531, Government Code, may obtain from any law enforcement or criminal justice agency the criminal history record information that relates to a provider under the medical assistance program or a person applying to enroll as a provider under the medical assistance program.

(a-1) The criminal history record information the department and the office of inspector general are authorized to obtain under Subsection (a) includes criminal history record information relating to:

(1) a person with a direct or indirect ownership or control interest, as defined by 42 C.F.R. Section 455.101, in a provider of five percent or more; and

(2) a person whose information is required to be disclosed in accordance with 42 C.F.R. Part 1001.

(b) The executive commissioner of the Health and Human Services Commission [~~department~~] by rule shall establish criteria for the department or the commission's office of inspector general to suspend a provider's billing privileges under the medical assistance program, revoke [~~revoking~~] a provider's enrollment under the program, or deny [~~denying~~] a person's application to enroll as a provider under the [~~medical assistance~~] program based on:

(1) the results of a criminal history check;

(2) any exclusion or debarment of the provider from participation in a state or federally funded health care program;

(3) the provider's failure to bill for medical assistance or refer clients for medical assistance within a 12-month period; or

(4) any of the provider screening or enrollment provisions contained in 42 C.F.R. Part 455, Subpart E.

(c) As a condition of eligibility to participate as a provider in the medical assistance program, the executive commissioner of the Health and Human Services Commission by rule shall:

(1) require a provider or a person applying to enroll as a provider to disclose:

(A) all persons described by Subsection (a-1)(1);

(B) any managing employees of the provider; and

(C) an agent or subcontractor of the provider if:

(i) the provider or a person described by Subsection (a-1)(1) has a direct or indirect ownership interest of at least five percent in the agent or subcontractor; or

(ii) the provider engages in a business transaction with the agent or subcontractor that meets the criteria specified by 42 C.F.R. Section 455.105; and

(2) require disclosure by persons applying for enrollment as providers and provide for screening of applicants for enrollment in conformity and compliance with the requirements of 42 C.F.R. Part 455, Subparts B and E.

(d) In adopting rules under this section, the executive commissioner of the Health and Human Services Commission shall adopt rules as authorized by and in conformity with 42 C.F.R. Section 455.470 for the imposition of a temporary moratorium on enrollment of new providers, or to impose numerical caps or other limits on the enrollment of providers, that the department or the commission's office of inspector general, in consultation with the department, determines have a significant potential for fraud, waste, or abuse.

SECTION ____ Section 32.039, Human Resources Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) A person commits a violation if the person:

(1) presents or causes to be presented to the department a claim that contains a statement or representation the person knows or should know to be false;

(1-a) engages in conduct that violates Section 102.001, Occupations Code;

(1-b) solicits or receives, directly or indirectly, overtly or covertly any remuneration, including any kickback, bribe, or rebate, in cash or in kind for referring an individual to a person for the furnishing of, or for arranging the furnishing of, any item or service for which payment may be made, in whole or in part, under the medical assistance program, provided that this subdivision does not prohibit the referral of a patient to another practitioner within a multispecialty group or university medical services research and development plan (practice plan) for medically necessary services;

(1-c) solicits or receives, directly or indirectly, overtly or covertly any remuneration, including any kickback, bribe, or rebate, in cash or in kind for purchasing, leasing, or ordering, or arranging for or recommending the purchasing, leasing, or ordering of, any good, facility, service, or item for which payment may be made, in whole or in part, under the medical assistance program;

(1-d) offers or pays, directly or indirectly, overtly or covertly any remuneration, including any kickback, bribe, or rebate, in cash or in kind to induce a person to refer an individual to another person for the furnishing of, or for arranging the furnishing of, any item or service for which payment may be made, in whole or in part, under the medical assistance program, provided that

this subdivision does not prohibit the referral of a patient to another practitioner within a multispecialty group or university medical services research and development plan (practice plan) for medically necessary services;

(1-e) offers or pays, directly or indirectly, overtly or covertly any remuneration, including any kickback, bribe, or rebate, in cash or in kind to induce a person to purchase, lease, or order, or arrange for or recommend the purchase, lease, or order of, any good, facility, service, or item for which payment may be made, in whole or in part, under the medical assistance program;

(1-f) provides, offers, or receives an inducement in a manner or for a purpose not otherwise prohibited by this section or Section 102.001, Occupations Code, to or from a person, including a recipient, provider, employee or agent of a provider, third-party vendor, or public servant, for the purpose of influencing or being influenced in a decision regarding:

(A) selection of a provider or receipt of a good or service under the medical assistance program;

(B) the use of goods or services provided under the medical assistance program; or

(C) the inclusion or exclusion of goods or services available under the medical assistance program; ~~or~~

(2) is a managed care organization that contracts with the department to provide or arrange to provide health care benefits or services to individuals eligible for medical assistance and:

(A) fails to provide to an individual a health care benefit or service that the organization is required to provide under the contract with the department;

(B) fails to provide to the department information required to be provided by law, department rule, or contractual provision;

(C) engages in a fraudulent activity in connection with the enrollment in the organization's managed care plan of an individual eligible for medical assistance or in connection with marketing the organization's services to an individual eligible for medical assistance; or

(D) engages in actions that indicate a pattern of:

(i) wrongful denial of payment for a health care benefit or service that the organization is required to provide under the contract with the department; or

(ii) wrongful delay of at least 45 days or a longer period specified in the contract with the department, not to exceed 60 days, in making payment for a health care benefit or service that the organization is required to provide under the contract with the department; or

(3) fails to maintain documentation to support a claim for payment in accordance with the requirements specified by department rule or medical assistance program policy or engages in any other conduct that a department rule has defined as a violation of the medical assistance program.

(b-1) A person who commits a violation described by Subsection (b)(3) is liable to the department for either the amount paid in response to the claim for payment or the payment of an administrative penalty in an amount not to exceed \$500 for each violation, as determined by the department.

SECTION _____. Subsection (a), Section 103.009, Human Resources Code, is amended to read as follows:

(a) The department may deny, suspend, or revoke the license of an applicant or holder of a license who fails to comply with the rules or standards for licensing required by this chapter or has committed an act described by Sections 103.012(a)(2)-(7).

SECTION _____. Chapter 103, Human Resources Code, is amended by adding Sections 103.012 through 103.016 to read as follows:

Sec. 103.012. ADMINISTRATIVE PENALTY. (a) The department may assess an administrative penalty against a person who:

(1) violates this chapter, a rule, standard, or order adopted under this chapter, or a term of a license issued under this chapter;

(2) makes a false statement of a material fact that the person knows or should know is false:

(A) on an application for issuance or renewal of a license or in an attachment to the application; or

(B) with respect to a matter under investigation by the department;

(3) refuses to allow a representative of the department to inspect:

(A) a book, record, or file required to be maintained by an adult day-care facility; or

(B) any portion of the premises of an adult day-care facility;

(4) wilfully interferes with the work of a representative of the department or the enforcement of this chapter;

(5) wilfully interferes with a representative of the department preserving evidence of a violation of this chapter, a rule, standard, or order adopted under this chapter, or a term of a license issued under this chapter;

(6) fails to pay a penalty assessed under this chapter not later than the 30th day after the date the assessment of the penalty becomes final; or

(7) fails to notify the department of a change of ownership before the effective date of the change of ownership.

(b) Except as provided by Section 103.013(c), the penalty may not exceed \$500 for each violation.

(c) Each day of a continuing violation constitutes a separate violation.

(d) The department shall establish gradations of penalties in accordance with the relative seriousness of the violation.

(e) In determining the amount of a penalty, the department shall consider any matter that justice may require, including:

(1) the gradations of penalties established under Subsection (d);

(2) the seriousness of the violation, including the nature, circumstances, extent, and gravity of the prohibited act and the hazard or potential hazard created by the act to the health or safety of the public;

(3) the history of previous violations;

(4) the deterrence of future violations; and

(5) the efforts to correct the violation.

(f) A penalty assessed under Subsection (a)(6) is in addition to the penalty previously assessed and not timely paid.

Sec. 103.013. RIGHT TO CORRECT BEFORE IMPOSITION OF ADMINISTRATIVE PENALTY. (a) The department may not collect an administrative penalty from an adult day-care facility under Section 103.012 if, not later than the 45th day after the date the facility receives notice under Section 103.014(c), the facility corrects the violation.

(b) Subsection (a) does not apply to:

(1) a violation that the department determines:

(A) results in serious harm to or death of a person attending the facility;

(B) constitutes a serious threat to the health and safety of a person attending the facility; or

(C) substantially limits the facility's capacity to provide care;

(2) a violation described by Sections 103.012(a)(2)-(7); or

(3) a violation of Section 103.011.

(c) An adult day-care facility that corrects a violation must maintain the correction. If the facility fails to maintain the correction until at least the first anniversary after the date the correction was made, the department may assess and collect an administrative penalty for the subsequent violation. An administrative penalty assessed under this subsection is equal to three times the amount of the original penalty assessed but not collected. The department is not required to provide the facility with an opportunity under this section to correct the subsequent violation.

Sec. 103.014. REPORT RECOMMENDING ADMINISTRATIVE PENALTY; NOTICE. (a) The department shall issue a preliminary report stating the facts on which the department concludes that a violation of this chapter, a rule, standard, or order adopted under this chapter, or a term of a license issued under this chapter has occurred if the department has:

(1) examined the possible violation and facts surrounding the possible violation; and

(2) concluded that a violation has occurred.

(b) The report may recommend a penalty under Section 103.012 and the amount of the penalty.

(c) The department shall give written notice of the report to the person charged with the violation not later than the 10th day after the date on which the report is issued. The notice must include:

(1) a brief summary of the charges;

(2) a statement of the amount of penalty recommended;

(3) a statement of whether the violation is subject to correction under Section 103.013 and, if the violation is subject to correction under that section, a statement of:

(A) the date on which the adult day-care facility must file a plan of correction with the department that the department shall review and may approve, if satisfactory; and

(B) the date on which the plan of correction must be completed to avoid assessment of the penalty; and

(4) a statement that the person charged has a right to a hearing on the occurrence of the violation, the amount of the penalty, or both.

(d) Not later than the 20th day after the date on which the notice under Subsection (c) is received, the person charged may:

(1) give to the department written notice that the person agrees with the department's report and consents to the recommended penalty; or

(2) make a written request for a hearing.

(e) If the violation is subject to correction under Section 103.013, the adult day-care facility shall submit a plan of correction to the department for approval not later than the 10th day after the date on which the notice under Subsection (c) is received.

(f) If the violation is subject to correction under Section 103.013 and the person reports to the department that the violation has been corrected, the department shall inspect the correction or take any other step necessary to confirm the correction and shall notify the person that:

(1) the correction is satisfactory and a penalty will not be assessed; or

(2) the correction is not satisfactory and a penalty is recommended.

(g) Not later than the 20th day after the date on which a notice under Subsection (f)(2) is received, the person charged with the violation may:

(1) give to the department written notice that the person agrees with the department's report and consents to the recommended penalty; or

(2) make a written request for a hearing.

(h) If the person charged with the violation consents to the penalty recommended by the department or does not timely respond to a notice sent under Subsection (c) or (f)(2), the department's commissioner or the commissioner's designee shall assess the penalty recommended by the department.

(i) If the department's commissioner or the commissioner's designee assesses the recommended penalty, the department shall give written notice of the decision to the person charged with the violation and the person shall pay the penalty.

Sec. 103.015. ADMINISTRATIVE PENALTY HEARING. (a) An administrative law judge shall order a hearing and give notice of the hearing if a person assessed a penalty under Section 103.013(c) requests a hearing.

(b) The hearing shall be held before an administrative law judge.

(c) The administrative law judge shall make findings of fact and conclusions of law regarding the occurrence of a violation of this chapter, a rule or order adopted under this chapter, or a term of a license issued under this chapter.

(d) Based on the findings of fact and conclusions of law, and the recommendation of the administrative law judge, the department's commissioner or the commissioner's designee by order shall find:

- (1) a violation has occurred and assess an administrative penalty; or
- (2) a violation has not occurred.

(e) Proceedings under this section are subject to Chapter 2001, Government Code.

Sec. 103.016. NOTICE AND PAYMENT OF ADMINISTRATIVE PENALTY; INTEREST; REFUND. (a) The department's commissioner or the commissioner's designee shall give notice of the findings made under Section 103.015(d) to the person charged with a violation. If the commissioner or the commissioner's designee finds that a violation has occurred, the commissioner or the commissioner's designee shall give to the person charged written notice of:

- (1) the findings;
- (2) the amount of the administrative penalty;
- (3) the rate of interest payable with respect to the penalty and the date on which interest begins to accrue; and
- (4) the person's right to judicial review of the order of the commissioner or the commissioner's designee.

(b) Not later than the 30th day after the date on which the order of the department's commissioner or the commissioner's designee is final, the person assessed the penalty shall:

- (1) pay the full amount of the penalty; or
- (2) file a petition for judicial review contesting the occurrence of the violation, the amount of the penalty, or both the occurrence of the violation and the amount of the penalty.

(c) Notwithstanding Subsection (b), the department may permit the person to pay a penalty in installments.

(d) If the person does not pay the penalty within the period provided by Subsection (b) or in accordance with Subsection (c), if applicable:

- (1) the penalty is subject to interest; and
- (2) the department may refer the matter to the attorney general for collection of the penalty and interest.

(e) Interest under Subsection (d)(1) accrues:

- (1) at a rate equal to the rate charged on loans to depository institutions by the New York Federal Reserve Bank; and
- (2) for the period beginning on the day after the date on which the penalty becomes due and ending on the date the penalty is paid.

(f) If the amount of the penalty is reduced or the assessment of a penalty is not upheld on judicial review, the department's commissioner or the commissioner's designee shall:

- (1) remit to the person charged the appropriate amount of any penalty payment plus accrued interest; or
- (2) execute a release of the supersedeas bond if one has been posted.

(g) Accrued interest on the amount remitted by the department's commissioner or the commissioner's designee under Subsection (f)(1) shall be paid:

(1) at a rate equal to the rate charged on loans to depository institutions by the New York Federal Reserve Bank; and

(2) for the period beginning on the date the penalty is paid and ending on the date the penalty is remitted to the person charged with the violation.

SECTION _____. Section 22.039(c), Human Resources Code, is amended to read as follows:

(c) The department shall semiannually provide training for surveyors and providers on subjects that address ~~[at least one of]~~ the 10 most common violations by long-term care facilities of ~~[under]~~ federal or state law. The department may charge a fee not to exceed \$50 per person for the training.

SECTION _____. As soon as practicable after the effective date of this Act but not later than July 1, 2012, the executive commissioner of the Health and Human Services Commission shall adopt rules necessary to implement Section 22.039, Human Resources Code, as amended by this article.

SECTION _____. If before implementing any provision of this Act 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.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business in the district:

Miles on motion of Kuempel.

HB 2365 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

Representative Eissler called up with senate amendments for consideration at this time,

HB 2365, A bill to be entitled An Act relating to certain responsibilities of education research centers and to a joint advisory board for education research centers.

Representative Eissler moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 2365**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 2365**: Eissler, chair; Hochberg, Huberty, Strama, and Hancock.

**HB 51 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Lucio called up with senate amendments for consideration at this time.

HB 51, A bill to be entitled An Act relating to energy efficiency standards for certain buildings and to high-performance design, construction, and renovation standards for certain buildings and facilities of institutions of higher education.

Representative Lucio moved to concur in the senate amendments to **HB 51**.

The motion to concur in the senate amendments to **HB 51** prevailed by (Record 1559): 86 Yeas, 53 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Berman; Carter; Chisum; Christian; Coleman; Cook; Crownover; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Farrar; Flynn; Gallego; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hochberg; Hopson; Howard, D.; Huberty; Hunter; Isaac; Jackson; Johnson; Keffer; King, T.; Larson; Lewis; Lozano; Lucio; Lyne; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Muñoz; Naishtat; Nash; Oliveira; Orr; Otto; Phillips; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Rodriguez; Schwertner; Scott; Sheets; Smith, W.; Smithee; Solomons; Taylor, L.; Thompson; Torres; Turner; Veasey; Vo; Walle; Weber; Woolley.

Nays — Aycock; Beck; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Craddick; Creighton; Darby; Davis, S.; Elkins; Fletcher; Frullo; Geren; Gooden; Hamilton; Hilderbran; Howard, C.; Hughes; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Laubenberg; Lavender; Legler; Madden; Miller, D.; Miller, S.; Morrison; Murphy; Parker; Patrick; Paxton; Peña; Perry; Riddle; Sheffield; Shelton; Simpson; Smith, T.; Taylor, V.; Truitt; White; Workman; Zedler; Zerwas.

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

Absent, Excused — Burnam; Castro; Farias; Marquez; Miles; Price; Strama; Villarreal.

Absent — Garza.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1559. I intended to vote no.

C. Anderson

I was shown voting yes on Record No. 1559. I intended to vote no.

Crownover

I was shown voting yes on Record No. 1559. I intended to vote no.

Harless

I was shown voting yes on Record No. 1559. I intended to vote no.

Harper-Brown

I was shown voting yes on Record No. 1559. I intended to vote no.

L. Gonzales

I was shown voting yes on Record No. 1559. I intended to vote no.

Phillips

I was shown voting yes on Record No. 1559. I intended to vote no.

Solomons

I was shown voting yes on Record No. 1559. I intended to vote no.

L. Taylor

I was shown voting yes on Record No. 1559. I intended to vote no.

Weber

Senate Committee Substitute

CSHB 51, A bill to be entitled An Act relating to energy efficiency standards for certain buildings and to high-performance design, construction, and renovation standards for certain buildings and facilities of institutions of higher education.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 55, Education Code, is amended by adding Section 55.115 to read as follows:

Sec. 55.115. HIGH-PERFORMANCE, SUSTAINABLE DESIGN, CONSTRUCTION, AND RENOVATION STANDARDS FOR CERTAIN FACILITIES. (a) This section applies to the construction of an institution of higher education building, structure, or other facility, or the renovation of a building, structure, or other facility the cost of which is more than \$2 million, or, if less than \$2 million, more than 50 percent of the value of the building, structure, or other facility, if any part of the construction or renovation is financed by revenue bonds issued under this subchapter.

(b) A building, structure, or other facility to which this section applies must be designed and constructed or renovated so that the building, structure, or other facility complies with high-performance building standards, approved by the board of regents of the institution, that provide minimum requirements for energy use, natural resources use, and indoor air quality. In approving high-performance building standards, a board of regents shall consider, but is not subject to, the high-performance building evaluation system approved by the state energy conservation office under Section 447.004, Government Code, and may solicit and consider recommendations from the advisory committee appointed under that section.

(c) A building, structure, or other facility to which this section applies must be designed and constructed or renovated to comply with the applicable energy and water conservation design standards established by the state energy conservation office under Section 447.004, Government Code.

(d) This section does not apply to an institution of higher education that constructs or renovates a building, structure, or other facility if the institution:

(1) determines that compliance with the standards described by Subsection (b) is impractical;

(2) notifies the state energy conservation office of the determination;
and

(3) provides documentation supporting the determination under Subdivision (1) to the state energy conservation office.

SECTION 2. Section 447.004, Government Code, is amended by amending Subsection (b) and adding Subsections (b-1), (b-2), and (b-3) to read as follows:

(b) The standards established under Subsection (a) must:

(1) include performance and procedural standards for the maximum energy and water conservation allowed by the latest and most cost-effective technology that is consistent with the requirements of public health, safety, and economic resources;

(2) be stated in terms of energy and water consumption levels that meet energy standards adopted by the state energy conservation office and that:

(A) achieve a 15 percent reduction in water use when compared to water use based on plumbing fixtures selected in accordance with the Energy Policy Act of 1992 (Pub. L. No. 102-486); or

(B) comply with water conservation standards published by the state energy conservation office;

(3) consider the various types of building uses; and

(4) allow for design flexibility, including allowing for certification under any high-performance design evaluation system approved by the state energy conservation office.

(b-1) A building to which this section applies must be designed and constructed or renovated so that the building achieves certification under any high-performance design evaluation system approved by the state energy conservation office that:

(1) is developed and revised through a nationally recognized consensus-based process or by a municipally owned utility in this state;

(2) provides minimum requirements for energy use, natural resources use, and indoor air quality;

(3) requires substantiating documentation for certification;

(4) requires on-site, third-party, post-construction review and verification for certification, or a third-party, post-construction, rigorous review of documentation and verification for certification; and

(5) encourages the use of materials or products manufactured or produced in this state.

(b-2) The state energy conservation office shall appoint an advisory committee to advise the office in selecting one or more high-performance building design evaluation systems to approve for use under Subsection (b-1). At least once every two years, the advisory committee shall review available high-performance building standards and make recommendations to the office. The advisory committee consists of:

(1) one individual appointed by the comptroller who represents the state energy conservation office and who serves as the presiding officer of the committee;

(2) eight individuals with experience and expertise in high-performance buildings or related products, including experience and expertise in energy efficiency, water efficiency, or low-impact site development, with one individual selected from each of the following lists of nominees:

(A) a list submitted by the president of the Texas Society of Architects;

(B) a list submitted by the presidents of the Texas Council of Engineering Companies and Texas Society of Professional Engineers;

(C) a list submitted by the president of the Associated Builders and Contractors of Texas and the presiding officer of the executive committee of the Associated General Contractors, Texas Building Branch;

(D) a list submitted by the president of the Texas chapter of the American Society of Landscape Architects;

(E) a list submitted by the president of the Texas Chemical Council;

(F) a list submitted by the Texas State Building and Construction Trades Council;

(G) a list submitted by the president of the Texas chapter of the Urban Land Institute; and

(H) a list submitted by the chair of the Brick Industry Association;

(3) the director of facilities construction and space management appointed under Section 2152.104;

(4) one individual representing the Energy Systems Laboratory of the Texas Engineering Experiment Station of The Texas A&M University System;

(5) one individual representing a state agency that has a substantial ongoing construction program; and

(6) one individual representing the interests of historically underutilized businesses.

(b-3) A contract between a state agency and a private design professional relating to services in connection with the construction or renovation of a building to which this section applies must provide that, for billing purposes, any service provided by the private design professional that is necessary to satisfy the certification requirements of Subsection (b-1) is considered an additional service rather than a basic service. A governmental entity may not disallow the allocation of federal deductions to eligible design professionals authorized by the Energy Policy Act of 2005 (Pub. L. No. 109-58).

SECTION 3. Sections 388.003(c) and (e), Health and Safety Code, are amended to read as follows:

(c) A municipality shall establish procedures:

(1) for the administration and enforcement of the codes; ~~and~~

(2) to ensure that code-certified inspectors shall perform inspections and enforce the code in the inspectors' jurisdictions; and

(3) to track and report to the state energy conservation office on implementation of the codes.

(e) Local amendments may not result in less stringent energy efficiency requirements in nonattainment areas and in affected counties than the energy efficiency chapter of the International Residential Code or International Energy Conservation Code. Local amendments must comply with the National Appliance Energy Conservation Act of 1987 (42 U.S.C. Sections 6291-6309), as amended. The laboratory, at the request of a municipality or county, shall determine the relative impact of proposed local amendments to an energy code, including whether proposed amendments are substantially equal to or less stringent than the unamended code. For the purpose of establishing uniform requirements throughout a region, and on request of a council of governments, a county, or a municipality, the laboratory may recommend a climatically appropriate modification or a climate zone designation for a county or group of counties that is different from the climate zone designation in the unamended code. The laboratory shall:

(1) report its findings to the council, county, or municipality, including an estimate of any energy savings potential above the unamended [base] code from local amendments; and

(2) annually submit a report to the commission:

(A) identifying the municipalities and counties whose codes are more stringent than the unamended code, and whose codes are equally stringent or less stringent than the unamended code; and

(B) quantifying energy savings and emissions reductions from this program for consideration in the state implementation plan for emissions reduction credit.

SECTION 4. Section 388.007, Health and Safety Code, is amended by amending Subsection (c) and adding Subsection (d) to read as follows:

(c) The laboratory may provide local jurisdictions with technical assistance concerning implementation and enforcement of the International Energy Conservation Code and the energy efficiency chapter of the International Residential Code, including local amendments to those codes.

(d) The laboratory may conduct outreach to the real estate industry, including real estate agents, home builders, remodelers, appraisers, and financial institutions, on the value of energy code compliance and verified, above-code, high-performance construction.

SECTION 5. Section 55.115, Education Code, as added by this Act, and Section 447.004, Government Code, as amended by this Act, apply only to an institution of higher education building, structure, or other facility or a state building for which the contract for design services is entered into on or after September 1, 2013.

SECTION 6. This Act takes effect September 1, 2011.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **CSHB 51** as follows:

In SECTION 1 of the bill, strike Subsections (c) and (d) of added Section 55.115, Education Code and substitute the following:

(c) Except as provided by this section, a building, structure, or other facility to which this section applies must be designed and constructed or renovated to comply with the applicable energy and water conservation design standards established by the state energy conservation office under Section 447.004, Government Code, unless the institution constructing the building determines that compliance with those standards is impractical and notifies the state energy conservation office of the determination and provides to the office documentation supporting the determination.

**HB 1206 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Guillen called up with senate amendments for consideration at this time,

HB 1206. A bill to be entitled An Act relating to training for members of governing boards of public junior college districts.

Representative Guillen moved to concur in the senate amendments to **HB 1206.**

The motion to concur in the senate amendments to **HB 1206** prevailed by (Record 1560): 101 Yeas, 36 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Berman; Bonnen; Branch; Carter; Chisum; Christian; Coleman; Cook; Crownover; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farrar; Fletcher; Flynn; Gallego; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hamilton; Hardcastle; Harless; Hartnett; Hernandez Luna; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, T.; Kleinschmidt; Kuempel; Larson; Lewis; Lucio; Lyne; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miller, D.; Morrison; Muñoz; Murphy; Naishtat; Nash; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Riddle; Rodriguez; Schwertner; Scott; Shelton; Simpson; Smith, W.; Smithee; Solomons; Taylor, L.; Thompson; Torres; Truitt; Turner; Veasey; Vo; Walle; Woolley; Workman; Zerwas.

Nays — Aycock; Beck; Bohac; Brown; Burkett; Button; Cain; Callegari; Craddick; Creighton; Darby; Davis, S.; Frullo; Gooden; Hancock; Harper-Brown; Hilderbran; Hughes; King, S.; Kolkhorst; Landtroop; Laubenberg; Lavender; Legler; Madden; Miller, S.; Parker; Patrick; Perry; Sheets; Sheffield; Smith, T.; Taylor, V.; Weber; White; Zedler.

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

Absent, Excused — Burnam; Castro; Farias; Marquez; Miles; Price; Strama; Villarreal.

Absent — Garza; Lozano; Oliveira.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1560. I intended to vote no.

Huberty

I was shown voting yes on Record No. 1560. I intended to vote no.

Paxton

I was shown voting yes on Record No. 1560. I intended to vote no.

Phillips

Senate Committee Substitute

CSHB 1206, A bill to be entitled An Act relating to training for members of governing boards of public junior college districts.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 61.084, Education Code, is amended by amending Subsection (a) and adding Subsections (e) and (f) to read as follows:

(a) The board by rule shall establish a training program for members of the governing boards of institutions of higher education. Each member of a governing board of an institution of higher education [~~the members of which are appointed~~] shall attend, during the member's first two years of service as a member of a governing board of an institution of higher education, at least one training program under this section. [~~A member of a governing board of an institution of higher education the members of which are elected may attend a training program conducted under this section.~~] A member of a governing board who is required to attend a training program under this section may~~[-but need not,]~~ attend additional training programs under this section.

(e) In addition to the content of the instruction at a training program required under Subsection (d), topics covered by the training program for members of a governing board of a public junior college district must include information about best practices in campus financial management, financial ratio analysis, and case studies using financial indicators.

(f) The minutes of the last regular meeting held by a governing board of a public junior college district during a calendar year must reflect whether each member of the governing board has completed any training required to be completed by the member under this section as of the meeting date.

(g) The board shall provide an equivalent training program by electronic means in the event a member of governing board is unable to attend the training program required by this Section. Completion of the training program by electronic means is deemed to satisfy the requirements of this Section.

SECTION 2. This Act takes effect September 1, 2011.

SB 1588 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED

On motion of Representative Pitts, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1588**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1588**: Pitts, chair; Chisum, Frullo, Guillen, and Zerwas.

**HB 1646 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Gallego called up with senate amendments for consideration at this time,

HB 1646, A bill to be entitled An Act relating to representation of certain applicants for writs of habeas corpus in cases involving the death penalty.

Representative Gallego moved to concur in the senate amendments to **HB 1646**.

The motion to concur in the senate amendments to **HB 1646** prevailed by (Record 1561): 132 Yeas, 5 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farrar; Flynn; Frullo; Gallego; 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; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miller, D.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Riddle; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Anderson, R.; Callegari; Fletcher; Landtroop; Miller, S.

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

Absent, Excused — Burnam; Castro; Farias; Marquez; Miles; Price; Strama; Villarreal.

Absent — Coleman; Garza; Veasey.

Senate Committee Substitute

CSHB 1646, A bill to be entitled An Act relating to representation of certain applicants for writs of habeas corpus in cases involving the death penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 6, Article 11.071, Code of Criminal Procedure, is amended by adding Subsections (b-1) and (b-2) to read as follows:

(b-1) If the convicting court receives notice that the requirements of Section 5(a) for consideration of a subsequent application have been met and if the applicant has not elected to proceed pro se and is not represented by retained counsel, the convicting court shall appoint, in order of priority:

(1) the attorney who represented the applicant in the proceedings under Section 5, if the attorney seeks the appointment;

(2) the office of capital writs, if the office represented the applicant in the proceedings under Section 5 or otherwise accepts the appointment; or

(3) counsel from a list of competent counsel maintained by the presiding judges of the administrative judicial regions under Section 78.056, Government Code, if the office of capital writs:

(A) did not represent the applicant as described by Subdivision (2);
or

(B) does not accept or is prohibited from accepting the appointment under Section 78.054, Government Code.

(b-2) Regardless of whether the subsequent application is ultimately dismissed, compensation and reimbursement of expenses for counsel appointed under Subsection (b-1) shall be provided as described by Section 2, 2A, or 3, including compensation for time previously spent and reimbursement of expenses previously incurred with respect to the subsequent application.

SECTION 2. The change in law made by this Act applies to a subsequent application for a writ of habeas corpus filed on or after January 1, 2012. A subsequent application filed before January 1, 2012, is covered by the law in effect when the application was filed, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2011.

**HB 2910 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

Representative Branch called up with senate amendments for consideration at this time,

HB 2910, A bill to be entitled An Act relating to agreements between the Texas Higher Education Coordinating Board and certain organizations for increasing degree completion rates.

Representative Branch moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 2910**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 2910**: Branch, chair; Bonnen, Pitts, D. Howard, and Johnson.

**HB 1560 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

Representative Scott called up with senate amendments for consideration at this time,

HB 1560, A bill to be entitled An Act relating to the authority of counties to nominate projects in the extraterritorial jurisdictions of certain municipalities for designation as enterprise projects.

Representative Scott moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 1560**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1560**: Scott, chair; Keffer, Eiland, S. Miller, and Creighton.

**HB 2643 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Hamilton called up with senate amendments for consideration at this time,

HB 2643, A bill to be entitled An Act relating to safety standards for elevators, escalators, and related equipment.

Representative Hamilton moved to concur in the senate amendments to **HB 2643**.

The motion to concur in the senate amendments to **HB 2643** prevailed by (Record 1562): 112 Yeas, 24 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Burkett; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farrar; Flynn; Frullo; Gallego; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Hernandez Luna; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hunter; Isaac; Jackson; Johnson; Keffer; King, S.; King, T.; Kolkhorst; Kuempel; Larson; Laubenberg; Lewis; Lozano; Lucio; Lyne; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miller, D.; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Paxton; Peña; Phillips; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Vo; Walle; Woolley; Workman; Zerwas.

Nays — Brown; Cain; Callegari; Carter; Davis, S.; Gooden; Harper-Brown; Hilderbran; Hughes; King, P.; Kleinschmidt; Landtroop; Lavender; Legler; Madden; Miller, S.; Morrison; Patrick; Perry; Simpson; Taylor, L.; Weber; White; Zedler.

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

Absent, Excused — Burnam; Castro; Farias; Marquez; Miles; Price; Strama; Villarreal.

Absent — Button; Fletcher; Garza; Riddle.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1562. I intended to vote no.

Paxton

I was shown voting yes on Record No. 1562. I intended to vote no.

Phillips

Senate Committee Substitute

CSHB 2643, A bill to be entitled An Act relating to safety standards for elevators, escalators, and related equipment.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 754.015(a), (b), and (d), Health and Safety Code, are amended to read as follows:

(a) The commission by rule shall provide for:

(1) an annual inspection and certification of the equipment covered by standards adopted under this subchapter;

(2) enforcement of those standards;

(3) registration of qualified inspectors and contractors;

(4) the form of inspection documents, contractor reports, and certificates of compliance;

(5) notification to building owners, architects, and other building industry professionals regarding the necessity of annually inspecting equipment;

(6) approval of continuing education programs for registered QEI-1 certified inspectors; ~~and~~

(7) standards of conduct for individuals who are registered under this subchapter;

(8) general liability insurance as a condition of contractor registration with coverage of not less than:

(A) \$1 million for each single occurrence of bodily injury or death;

and

(B) \$500,000 for each single occurrence of property damage;

(9) the submission and review of plans for the installation or alteration of equipment; and

(10) continuing education requirements for renewal of contractor registration.

(b) The commission by rule may not:

(1) require inspections of equipment to be made more often than every 12 months, except as provided by Subsection (c);

(2) require persons to post a bond or furnish insurance or to have minimum experience or education as a condition of certification or registration, except as otherwise provided by this chapter;

~~[(3) require building owners to submit to the department proposed plans for equipment installation or alteration;]~~ or

(3) ~~[(4)]~~ prohibit a QEI-1 certified inspector who is registered with the department from inspecting equipment.

(d) The executive director may charge a reasonable fee as set by the commission for:

(1) registering or renewing registration of an inspector;

(2) registering or renewing registration of a contractor;

(3) applying for a certificate of compliance;

(4) filing an inspection report as required by Section 754.019(a)(3), 30 days or more after the date the report is due, for each day the report remains not filed after the date the report is due;

(5) submitting for review plans for the installation or alteration of equipment;

(6) reviewing and approving continuing education providers and courses for renewal of contractor registration;

(7) applying for a waiver, variance, or delay; and

(8) ~~[(6)]~~ attending a continuing education program sponsored by the department for registered QEI-1 inspectors.

SECTION 2. Section 754.0171(b), Health and Safety Code, is amended to read as follows:

(b) A contractor shall submit an application for registration or renewal of registration, as applicable, and pay appropriate fees to the department. The registration application form shall ~~may~~ require:

(1) information concerning the background, experience, and ~~or~~ identity of the applicant;

(2) designation of and information regarding the responsible party or parties under Section 754.0173; and

(3) documentation of fulfillment of the continuing education requirements for renewal of registration, if applicable.

SECTION 3. Subchapter B, Chapter 754, Health and Safety Code, is amended by adding Sections 754.0173 and 754.0174 to read as follows:

Sec. 754.0173. DESIGNATION OF RESPONSIBLE PARTY OR PARTIES. (a) Each contractor who registers with the department must designate at least one but not more than two responsible parties.

(b) A responsible party designated under this section must:

(1) have a minimum of three years of elevator contractor experience related to elevator installation, repair, and maintenance; and

(2) comply with continuing education requirements as determined by commission rule in order for an elevator contractor to renew an elevator contractor registration.

(c) The commission shall adopt rules regarding documentation of the completion of the continuing education to accompany the application for registration.

(d) A responsible party may be added to or removed from the registration at any time by providing written notice to the department. If a responsible party is added to a registration, the written notice must include evidence that the responsible party meets the requirements of this section.

Sec. 754.0174. CONTINUING EDUCATION FOR RENEWAL OF CONTRACTOR REGISTRATIONS. (a) Each contractor's responsible party must complete continuing education requirements set by commission rule before the contractor may renew the contractor's registration.

(b) A provider of continuing education under this section must:

(1) register with the department; and

(2) comply with rules adopted by the commission relating to continuing education for a designated responsible party.

SECTION 4. The Texas Commission of Licensing and Regulation shall adopt the rules required by Sections 754.015(a)(8), (9), and (10), Health and Safety Code, as added by this Act, not later than June 1, 2012.

SECTION 5. (a) The rules adopted under Section 754.015(a)(8), Health and Safety Code, as added by this Act, apply only to an application or renewal application for registration of a contractor filed on or after September 1, 2012. An application or renewal application for registration of a contractor filed before that date is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

(b) The rules adopted under Section 754.015(a)(9), Health and Safety Code, as added by this Act, apply only to installation or alteration of equipment performed under a contract or work order entered into or issued on or after September 1, 2012. Installation or alteration of equipment performed under a contract or work order entered into or issued before September 1, 2012, is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

(c) Section 754.0173, Health and Safety Code, as added by this Act, applies only to a registration issued or renewed on or after September 1, 2012. A registration issued or renewed before September 1, 2012, is covered by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

(d) Section 754.0174, Health and Safety Code, as added by this Act, and the rules adopted under Section 754.015(a)(10), Health and Safety Code, as added by this Act, apply only to a registration that is renewed on or after January 1, 2013. A registration that is renewed before January 1, 2013, is covered by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION 6. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2011.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 2643** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS accordingly:

SECTION _____. Section 1302.002, Occupations Code, is amended by amending Subdivision (5-b) and adding Subdivision (5-c) to read as follows:

(5-b) "Apprenticeship program" means an air conditioning and refrigeration training program that is:

(A) recognized by the Texas Workforce Commission or the Texas Higher Education Coordinating Board;

(B) registered with the United States Department of Labor; or

(C) a competency-based standardized craft training program that meets the standards of the United States Department of Labor Office of Apprenticeship.

(5-c) "Certified technician" means a registered technician who has completed a certification examination.

SECTION _____. Subchapter C, Chapter 1302, Occupations Code, is amended by adding Section 1302.1011 to read as follows:

Sec. 1302.1011. RULES. The commission shall adopt rules:

(1) providing for the licensing and registration of persons under this chapter, including requirements for the issuance and renewal of a contractor license and a technician registration;

(2) establishing fees necessary for the administration of this chapter, including fees for issuance and renewal of a contractor license and a technician registration; and

(3) implementing the requirements of this chapter as applicable to persons, entities, and activities regulated under this chapter.

SECTION _____. Subsection (a), Section 1302.102, Occupations Code, is amended to read as follows:

(a) The commission by rule ~~[executive director]~~ shall set insurance requirements for a license holder under this chapter.

SECTION _____. Section 1302.105, Occupations Code, is amended to read as follows:

Sec. 1302.105. PERSONNEL ~~[; EXAMINERS]~~. ~~[(a)]~~ The department may employ personnel necessary to administer this chapter.

~~[(b) The department shall employ at least two full-time air conditioning and refrigeration contractors to serve as examiners.]~~

SECTION _____. Section 1302.202, Occupations Code, is amended to read as follows:

Sec. 1302.202. APPOINTED MEMBERS. (a) Except for the public member, each ~~[Each]~~ appointed advisory board member must be experienced in the design, installation, construction, maintenance, service, repair, or modification of equipment used for environmental air conditioning, commercial refrigeration, or process cooling or heating. Other than the public member, of ~~[Of]~~ the appointed members:

(1) one must be an official of a municipality with a population of more than 250,000;

(2) one must be an official of a municipality with a population of not more than 250,000; and

(3) four must be full-time licensed air conditioning and refrigeration contractors, as follows:

(A) one member who holds a Class A license and practices in a municipality with a population of more than 250,000;

(B) one member who holds a Class B license and practices in a municipality with a population of more than 250,000;

(C) one member who holds a Class A license and practices in a municipality with a population of more than 25,000 but not more than 250,000; and

(D) one member who holds a Class B license and practices in a municipality with a population of not more than 25,000.

(b) At least one ~~[appointed]~~ advisory board member appointed under Subsection (a)(3) must be an air conditioning and refrigeration contractor who employs organized labor ~~[and at least two appointed members must be air conditioning and refrigeration contractors who are licensed engineers].~~

SECTION _____. The heading to Subchapter F, Chapter 1302, Occupations Code, is amended to read as follows:

SUBCHAPTER F. AIR CONDITIONING AND REFRIGERATION
CONTRACTORS [LICENSE REQUIREMENTS]

SECTION _____. Section 1302.251, Occupations Code, is amended to read as follows:

Sec. 1302.251. LICENSE REQUIRED. (a) A person may not engage in air conditioning and refrigeration contracting unless the person holds an air conditioning and refrigeration contractor [a] license under this subchapter or Subchapter G.

(b) An air conditioning and refrigeration contractor [A] license issued under this subchapter is valid throughout the state. A person who holds a license issued under this subchapter is not required to hold a municipal license under Subchapter G to engage in air conditioning and refrigeration contracting in any municipality in this state.

(c) A person holding an air conditioning and refrigeration contractor license may assign that license to only one permanent office of one air conditioning and refrigeration contracting company.

SECTION _____. Section 1302.255, Occupations Code, is amended to read as follows:

Sec. 1302.255. ELIGIBILITY REQUIREMENTS. (a) An applicant for a license under this subchapter ~~[chapter]~~ must:

(1) be at least 18 years old; and

(2) have at least 48 [36] months of practical experience in air conditioning and refrigeration-related work under the supervision of a licensed air conditioning and refrigeration contractor [with the tools of the trade] in the preceding 72 months [five years].

(a-1) An applicant who has equivalent experience in another state or who held an equivalent license in another state may receive credit for the experience as determined by the executive director.

(b) Notwithstanding the requirements of [For purposes of determining an applicant's practical experience under] Subsection (a)(2), an applicant may satisfy a portion of the practical experience requirement as provided by Subsection (c).

(c) An applicant who obtains a degree or diploma or completes a certification program from an institution of higher education that holds a certificate of authority issued by the Texas Higher Education Coordinating Board, or an equivalent governing body in another state as approved by the executive director, may satisfy a portion of the practical experience requirement as follows:

(1) completing a four-year degree or diploma in air conditioning engineering or technology, refrigeration engineering or technology, or mechanical engineering is equivalent to 24 months [two years] of practical experience [if:

[~~(1) the degree or diploma is from an institution of higher education~~];
[and]

(2) completing a two-year associate's degree, a two-year diploma, or a two-year certification program primarily focused on air conditioning and refrigeration-related work is equivalent to 12 months of practical experience;

(3) completing a one-year certification program, or a program of at least two semesters, in air conditioning and refrigeration-related work is equivalent to six months of practical experience; and

(4) completing a program resulting in another applicable degree, diploma, or certification shall be equivalent to the amount of practical experience determined by the department under commission rule [the institution's program is approved by the Texas Board of Professional Engineers for the purpose of licensing engineers].

(d) Every 2,000 hours of on-the-job training in an apprenticeship program is equivalent to 12 months of practical experience under Subsection (a)(2).

(e) Notwithstanding the requirements of Subsection (a)(2), each of the following qualifies as practical experience for purposes of satisfying the 48-month requirement:

(1) verified military service in which the person was trained in or performed air conditioning and refrigeration-related work as part of the person's military occupational specialty; and

(2) experience performing air conditioning and refrigeration-related work as described by Section 1302.055, 1302.056, or 1302.057 or while employed by a governmental entity.

SECTION _____. Subsections (a) and (c), Section 1302.256, Occupations Code, are amended to read as follows:

(a) An applicant for an air conditioning and refrigeration contractor [a] license must submit a verified application on a form prescribed by the executive director.

(c) The application must be accompanied by:

(1) a statement containing evidence satisfactory to the executive director of the applicant's practical experience required by Section 1302.255 [~~1302.255(a)(2)~~]; and

(2) the required fees [~~examination fee~~].

SECTION _____. Subsection (b), Section 1302.257, Occupations Code, is amended to read as follows:

(b) The executive director shall prescribe the method and content of an examination administered under this subchapter [~~chapter~~] and shall set compliance requirements for the examination. To obtain an endorsement, an applicant must pass the examination for the endorsement.

SECTION _____. Section 1302.260, Occupations Code, is amended to read as follows:

Sec. 1302.260. ISSUANCE AND TERM OF LICENSE. (a) The department [~~On payment of the license fee, the executive director~~] shall issue an air conditioning and refrigeration contractor license to an applicant who:

(1) submits a verified application;

(2) passes the applicable examination;

(3) meets the requirements of this chapter and rules adopted under this chapter [~~subchapter~~];

(4) pays the required fees; and

(5) [(2)] provides evidence of insurance coverage required by rule [~~the executive director~~] in accordance with this chapter [~~;~~ and

(3) ~~passes the applicable examination~~].

(b) A license issued under this chapter expires on the first anniversary of the date of issuance [~~at the end of the license period set by the commission~~].

SECTION _____. Section 1302.263, Occupations Code, is amended to read as follows:

Sec. 1302.263. LIMITATION ON LICENSE HOLDER [~~OR REGISTERED TECHNICIAN~~]. A person licensed as a contractor under this subchapter [~~chapter~~] may not:

(1) perform or offer or attempt to perform an act, service, or function that is:

(A) defined as the practice of engineering under Chapter 1001, unless the person holds a license under that chapter;

(B) regulated under Chapter 113, Natural Resources Code, unless the person holds a license or is exempt by rule under that chapter; or

(C) defined as plumbing under Chapter 1301, unless the person holds a license under that chapter; or

(2) use the services of a person who is not a registered technician or a licensed air conditioning and refrigeration contractor to assist in the performance of air conditioning and refrigeration maintenance work.

SECTION _____. Subsection (a), Section 1302.453, Occupations Code, is amended to read as follows:

(a) A person commits an offense if the person:

(1) knowingly engages in air conditioning and refrigeration contracting without holding a license issued under this chapter; [~~or~~]

(2) knowingly engages in air conditioning and refrigeration maintenance work without holding a contractor license or technician registration issued under this chapter; or

(3) purchases a refrigerant or equipment containing a refrigerant in this state in violation of Section 1302.353, 1302.355, or 1302.356.

SECTION _____. Section 1302.501, Occupations Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) An air conditioning and refrigeration technician [A] registration is valid throughout the state.

(c) A person is not required to obtain an air conditioning and refrigeration technician registration if the person only assists a licensed contractor in performing:

(1) the total replacement of a system; or

(2) the installation or repair of a boiler or pressure vessel that must be installed in accordance with rules adopted under Chapter 755, Health and Safety Code.

SECTION _____. Subchapter K, Chapter 1302, Occupations Code, is amended by adding Section 1302.5035 to read as follows:

Sec. 1302.5035. ELIGIBILITY REQUIREMENTS. (a) An applicant for a technician registration under this subchapter must be at least 18 years old.

(b) An applicant for a technician registration is not required to have practical experience or to take an examination to obtain the registration.

SECTION _____. Section 1302.504, Occupations Code, is amended to read as follows:

Sec. 1302.504. APPLICATION; FEE. (a) An applicant for an air conditioning and refrigeration technician registration must submit a verified [an] application on a form prescribed by the executive director [commission].

(b) The completed application must be accompanied by the required fees [application fee].

SECTION _____. Section 1302.505, Occupations Code, is amended to read as follows:

Sec. 1302.505. ISSUANCE AND TERM OF REGISTRATION. (a) The department shall issue an air conditioning and refrigeration technician registration to an applicant who:

(1) submits a verified application;

(2) meets the requirements of this chapter and rules adopted under this chapter; and

(3) pays the required fees [On receipt of a completed application, the department shall register an applicant who meets the requirements of this subchapter].

(b) A registration issued under this subchapter is valid for one year from the date of issuance.

SECTION _____. Subchapter K, Chapter 1302, Occupations Code, is amended by adding Section 1302.509 to read as follows:

Sec. 1302.509. LIMITATIONS ON REGISTRANT. A person registered under this subchapter may not:

- (1) perform, offer to perform, or attempt to perform an act that is:
(A) defined as the practice of engineering under Chapter 1001,
unless the person holds a license under that chapter;
(B) regulated under Chapter 113, Natural Resources Code, unless
the person holds a license under that chapter or is exempt by a rule adopted under
that chapter; or
(C) defined as plumbing under Chapter 1301, unless the person
holds a license under that chapter; or
(2) assist a person who is not a licensed air conditioning and
refrigeration contractor in the performance of air conditioning and refrigeration
maintenance work.

SECTION _____. The following sections of the Occupations Code are repealed:

- (1) Section 1302.062;
- (2) Section 1302.106;
- (3) Section 1302.209;
- (4) Subsections (c) and (d), Section 1302.257;
- (5) Section 1302.502; and
- (6) Section 1302.507.

SECTION _____. (a) Not later than March 1, 2012, the Texas Commission of Licensing and Regulation shall adopt rules to implement Chapter 1302, Occupations Code, as amended by this Act.

(b) Section 1302.255, Occupations Code, as amended by this Act, applies only to an application for a license or registration under that section submitted to the Texas Department of Licensing and Regulation on or after November 1, 2012. An application for a license, registration, or certification submitted under that section before that date is governed by the law in effect on the date the application was submitted, and the former law is continued in effect for that purpose.

Senate Amendment No. 2 (Senate Floor Amendment No. 2)

Amend **CSHB 2643** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 711.008, Health and Safety Code, is amended by amending Subsection (b) and adding Subsection (h) to read as follows:

(b) Subsection (a) does not apply to:

- (1) a cemetery heretofore established and operating;
- (2) the establishment and use of a columbarium by an organized religious society or sect that is exempt from income taxation under Section 501(a), Internal Revenue Code of 1986, by being listed under Section 501(c)(3) of that code, as part of or attached to the principal church building owned by the society or sect;
- (3) the establishment and use of a columbarium by an organized religious society or sect that is exempt from income taxation under Section 501(a), Internal Revenue Code of 1986, by being listed under Section 501(c)(3) of that code, on land that:

(A) is owned by the society or sect; and

(B) is part of the campus on which an existing principal church building is located;

(4) the establishment and use of a columbarium on the campus of a private or independent institution of higher education, as defined by Section 61.003, Education Code, that is wholly or substantially controlled, managed, owned, or supported by or otherwise affiliated with an organized religious society or sect that is exempt from income taxation under Section 501(a), Internal Revenue Code of 1986, by being listed under Section 501(c)(3) of that code, if a place of worship is located on the campus; ~~[or]~~

(5) the establishment and use of a mausoleum that is:

(A) constructed beneath the principal church building owned by an organized religious society or sect that:

(i) is exempt from income taxation under Section 501(a), Internal Revenue Code of 1986, by being listed under Section 501(c)(3) of that code; and

(ii) has recognized religious traditions and practices of interring the remains of ordained clergy in or below the principal church building; and

(B) used only for the interment of the remains of ordained clergy of that organized religious society or sect; or

(6) the establishment and operation, if authorized in accordance with Subsection (h), of a perpetual care cemetery by an organized religious society or sect that:

(A) is exempt from income taxation under Section 501(a), Internal Revenue Code of 1986, by being listed under Section 501(c)(3) of that code;

(B) has been in existence for at least five years;

(C) has at least \$500,000 in assets; and

(D) establishes and operates the cemetery on land that:

(i) is owned by the society or sect;

(ii) together with any other land owned by the society or sect and adjacent to the land on which the cemetery is located, is not less than 10 acres; and

(iii) is in a municipality with a population of at least one million that is located predominantly in a county that has a total area of less than 1,000 square miles.

(h) The governing body of a municipality described by Subsection (b)(6)(D)(iii) may authorize the establishment and use in accordance with Subsection (b)(6) of a cemetery located inside the boundaries of the municipality if the municipality determines and states in the ordinance that the establishment or use of the cemetery does not adversely affect public health, safety, and welfare.

(Castro and Strama now present)

**HB 290 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Jackson called up with senate amendments for consideration at this time,

HB 290, A bill to be entitled An Act relating to the punishment for the offense of employment harmful to children.

Representative Jackson moved to concur in the senate amendments to **HB 290**.

The motion to concur in the senate amendments to **HB 290** prevailed by (Record 1563): 136 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Eiland; Eissler; Elkins; Farrar; Fletcher; Flynn; Frullo; Gallego; 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; Martinez; Martinez Fischer; McClendon; Menendez; Miller, D.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Riddle; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Dutton.

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

Absent, Excused — Burnam; Farias; Marquez; Miles; Price; Villarreal.

Absent — Bohac; Castro; Garza; Miller, S.; Strama.

STATEMENT OF VOTE

When Record No. 1563 was taken, I was temporarily out of the house chamber. I would have voted yes.

Bohac

Senate Committee Substitute

CSHB 290, A bill to be entitled An Act relating to the punishment for the offense of employment harmful to children.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
SECTION 1. Section 43.251(c), Penal Code, is amended to read as follows:

(c) An offense under this section is a Class A misdemeanor, except that the offense is:

(1) a state jail felony if it is shown on the trial of the offense that the defendant has been previously convicted one time of an offense under this section; and

(2) a felony of the third degree if it is shown on the trial of the offense that the defendant has been previously convicted two or more times of an offense under this section.

SECTION 2. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is covered by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 3. This Act takes effect September 1, 2011.

HB 2728 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Thompson called up with senate amendments for consideration at this time,

HB 2728, A bill to be entitled An Act relating to the operation and regulation of charitable bingo.

Representative Thompson moved to concur in the senate amendments to **HB 2728**.

The motion to concur in the senate amendments to **HB 2728** prevailed by (Record 1564): 74 Yeas, 63 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Aycock; Callegari; Chisum; Coleman; Cook; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farrar; Gallego; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Hernandez Luna; Hochberg; Howard, D.; Hunter; Jackson; Johnson; Keffer; King, S.; King, T.; Kolkhorst; Lewis; Lozano; Lucio; Lyne; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miller, D.; Miller, S.; Muñoz; Naishtat; Oliveira; Otto; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Rodriguez; Scott; Sheffield; Thompson; Turner; Veasey; Vo; Walle; Workman; Zerwas.

Nays — Anderson, R.; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Carter; Christian; Creighton; Crownover; Darby; Davis, J.; Fletcher; Flynn; Frullo; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Isaac; King, P.; Kleinschmidt; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Madden; Morrison; Murphy; Nash; Orr; Parker; Patrick; Paxton; Peña; Perry; Phillips; Riddle; Schwertner; Sheets; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Truitt; Weber; White; Woolley; Zedler.

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

Absent, Excused — Burnam; Farias; Marquez; Miles; Price; Villarreal.

Absent — Castro; Craddick; Garza; Strama; Torres.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1564. I intended to vote no.

Lewis

When Record No. 1564 was taken, I was temporarily out of the house chamber. I would have voted no.

Torres

I was shown voting yes on Record No. 1564. I intended to vote no.

Workman

Senate Committee Substitute

CSHB 2728, A bill to be entitled An Act relating to the operation and regulation of charitable bingo.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 2001.002(8-a), Occupations Code, is amended to read as follows:

(8-a) "Crime of moral turpitude" means:

(A) a felony;

(B) a gambling offense;

(C) criminal fraud;

(D) forgery;

(E) theft;

(F) an offense that involves knowingly filing false information with a governmental agency; or

(G) any ~~offense that:~~

~~[(i) is classified in this state as a]~~ Class A misdemeanor defined by another state law as a crime of moral turpitude ~~[-and~~

~~[(ii) puts the honesty and integrity of the individual who committed the offense in question].~~

SECTION 2. Sections 2001.160(a), (b), (e), and (f), Occupations Code, are amended to read as follows:

(a) On approval by the commission, a [A] licensed commercial lessor may ~~[not] transfer a commercial lessor license [except as provided by this section.~~

~~[(b) A transfer of a commercial lessor license under this section may be made only with the prior approval of the commission. The commission shall approve the transfer under this section.]~~ if the person to whom the license will be transferred otherwise meets the requirements of this subchapter ~~[section].~~

(e) Unless the commission revokes or suspends the license under this chapter, or an injunction is issued under this section, a licensed authorized organization that conducts bingo lawfully at premises under a license to which Subsection (d) applies may continue conducting bingo at the premises after the death or incapacity of the commercial lessor license holder.

(f) On the showing by the commission of a cause that would be sufficient for the commission to revoke or suspend ~~[obtain]~~ a license under this chapter or an applicable commission rule ~~[suspension under Section 2001.355]~~, a district court in the county for which a commercial lessor license was issued or the commission by order may temporarily or permanently enjoin the conduct of bingo at premises under a license to which Subsection (d) applies.

SECTION 3. The change in law made by this Act to Section 2001.160, Occupations Code, applies to a license to operate bingo gaming issued under Chapter 2001, Occupations Code, regardless of whether the license was issued before, on, or after the effective date of this Act.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2011.

**HB 3246 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

Representative Elkins called up with senate amendments for consideration at this time,

HB 3246, A bill to be entitled An Act relating to public improvement districts designated by a municipality or county.

Representative Elkins moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 3246**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 3246**: Elkins, chair; D. Miller, Jackson, Paxton, and T. King.

**HB 736 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Patrick called up with senate amendments for consideration at this time,

HB 736, A bill to be entitled An Act relating to required online information regarding public institutions of higher education.

Representative Patrick moved to concur in the senate amendments to **HB 736**.

The motion to concur in the senate amendments to **HB 736** prevailed by (Record 1565): 138 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; 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; Farrar; Fletcher; Flynn; Frullo; Gallego; 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; Martinez; McClendon; Menendez; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Riddle; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Burnam; Farias; Marquez; Miles; Price; Villarreal.

Absent — Elkins; Garza; Martinez Fischer; Strama.

Senate Committee Substitute

CSHB 736, A bill to be entitled An Act relating to required online information regarding public institutions of higher education.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter Z, Chapter 51, Education Code, is amended by adding Section 51.9745 to read as follows:

Sec. 51.9745. INTERNET ACCESS TO FACULTY INFORMATION.

(a) Each general academic teaching institution, as defined by Section 61.003, shall make available to the public on the institution's Internet website the following information for the institution:

(1) the student/faculty ratio;

(2) the percentage of all full-time equivalent faculty members with teaching responsibility who are tenured or tenure track;

(3) the percentage of semester credit hours taken by students classified as freshmen or sophomores that are taught by tenured and tenure track faculty members;

(4) the number of faculty members in each of the following faculty ranks, including a breakdown for each rank showing the numbers of faculty members by race, ethnicity, and gender:

(A) professor;

(B) associate professor;

(C) assistant professor;

- (D) instructor;
- (E) nontenured or nontenure track; and
- (F) teaching assistant;
- (5) average faculty salaries by rank;
- (6) the amount of money appropriated by the legislature per full-time equivalent faculty member and full-time equivalent student;
- (7) the total revenue the institution spent per full-time equivalent faculty member and full-time equivalent student;
- (8) the amount of federal and private research expenditures per tenured or tenure track full-time equivalent faculty member;
- (9) the number and percentage of faculty members holding extramural research grants;
- (10) the number and names of awards to faculty members from nationally recognized entities, including those identified by The Center for Measuring University Performance; and
- (11) the number of endowed professorships or chairs.

(b) Each institution to which this section applies shall update the information required by Subsection (a) for the preceding academic or fiscal year, as applicable, not later than December 31 of each year.

(c) The administrator designated under Section 51.974 by an institution to which this section applies is responsible for ensuring implementation of this section. The administrator may assign duties under this section to one or more administrative employees.

(d) The Texas Higher Education Coordinating Board may adopt rules necessary to administer this section, including rules to ensure the consistency of information made available under this section.

SECTION 2. Section 51A.002, Education Code, is amended by amending Subsection (b) and adding Subsection (e) to read as follows:

(b) The coordinating board shall:

(1) request from each institution of higher education to which this chapter applies any information the coordinating board considers necessary for the coordinating board to include information or calculate data required to be included in the institution's resume;

(2) establish for each institution of higher education to which this chapter applies a list of representative in-state and out-of-state peer institutions and maintain that list on the coordinating board's Internet website;

(3) ensure that each of an institution of higher education's online resumes:

(A) is available to the public on the coordinating board's Internet website, in a one-page format if possible, and is accessible through a link that appears ~~in a prominent place~~ on the first frame of the coordinating board's Internet website home page in a font that is larger than the font of the majority of the text on the home page;

(B) uses enhanced, user-friendly search capabilities to ensure that the information required to be included in the resume is easily accessible to the persons for whom the resume is designed; and

(C) includes a clearly identifiable link to information on the coordinating board's Internet website regarding the coordinating board's higher education accountability system; and

(4) ensure that the information provided in each resume is accurate and up to date and includes the most recent data available for out-of-state peer institutions.

(e) The data relating to student loans, grants, or scholarships included by the coordinating board on an institution's resume under this subchapter must be the same as that published in regard to the institution by the United States Department of Education on its "College Navigator" website, or a successor or related website maintained by the United States Department of Education.

SECTION 3. Section 51A.003, Education Code, is amended to read as follows:

Sec. 51A.003. DUTIES OF INSTITUTIONS OF HIGHER EDUCATION RELATING TO INSTITUTION RESUMES. Each institution of higher education to which this chapter applies shall:

(1) submit to the coordinating board any information requested by the coordinating board as necessary for the coordinating board to include information or calculate data required to be included in the institution's resumes; and

(2) ensure that the first frame of the institution's Internet website home page includes, in a font that is larger than the font of the majority of the text on the home page ~~[prominent place]~~, an accessible link to the institution's online resumes maintained on the coordinating board's Internet website.

SECTION 4. Subchapter A, Chapter 51A, Education Code, is amended by adding Section 51A.004 to read as follows:

Sec. 51A.004. LINK TO FEDERAL STUDENT FINANCIAL AID INFORMATION. An institution may satisfy a requirement of this chapter relating to student loan, grant, or scholarship information by linking the online resume of the institution to that information as it appears on the website known as "College Navigator," or a successor or related website, maintained by the National Center for Education Statistics of the U.S. Department of Education.

SECTION 5. Section 51A.052, Education Code, is amended by amending Subsection (d) and adding Subsection (e) to read as follows:

(d) The resume must include the following information relating to the institution for the most recent state fiscal year for which the information is available and compare that information to the same information for the state fiscal year preceding the most recent state fiscal year for which the information is available and the state fiscal year preceding the most recent state fiscal year for which the information is available by five years:

(1) under the heading "ENROLLMENT":

(A) ["ENROLLMENT,"] the total number of students enrolled in the institution during the fall semester that ended in the fiscal year covered by the resume; and

(B) the percentage of undergraduate students enrolled in the institution for the first time during the fall semester that ended in the fiscal year covered by the resume who are transfer students;

(2) under the heading "COSTS":

(A) [~~"COSTS,"~~] the average annual total academic costs for a resident undergraduate student enrolled in 30 semester credit hours:

(i) [~~(A)~~] at the institution; and

(ii) [~~(B)~~] at the institution's in-state and out-of-state peer institutions;

(B) the percentage of undergraduate students receiving student loans:

(i) at the institution; and

(ii) at the institution's in-state and out-of-state peer institutions;

(C) the average annual amount of an undergraduate student's student loans:

(i) at the institution; and

(ii) at the institution's in-state and out-of-state peer institutions;

(D) the percentage of undergraduate students receiving federal or state grants:

(i) at the institution; and

(ii) at the institution's in-state and out-of-state peer institutions;

and

(E) the average annual amount of federal and state grants received by an undergraduate student:

(i) at the institution; and

(ii) at the institution's in-state and out-of-state peer institutions;

(3) under the heading "STUDENT SUCCESS":

(A) the retention rate of first-time, full-time, degree-seeking entering undergraduate students:

(i) enrolled in the institution after one academic year and after two academic years; and

(ii) enrolled in the institution's in-state peer institutions after two academic years;

(B) the percentage of undergraduate students requiring developmental education who, after six years from entering the institution, graduated from or are still enrolled in:

(i) the institution; and

(ii) the institution's in-state peer institutions;

(C) the four-year, five-year, and six-year graduation rates of full-time bachelor's degree-seeking students:

(i) at the institution; and

(ii) at the institution's in-state and out-of-state peer institutions;

and

(D) the average number of fall and spring semesters of enrollment attempted by a student to obtain a bachelor's degree:

(i) at the institution; and

(ii) at the institution's in-state peer institutions; and

(4) under the heading "FUNDING":

(A) the total amount of money appropriated by the legislature to the institution, including money appropriated for faculty and staff health coverage and retirement benefits, for that state fiscal year and the corresponding percentage of the institution's operating budget for that state fiscal year that the total amount of money appropriated by the legislature represents; ~~and~~

(B) the total amount of federal funds from all federal sources, including grants and research funds, received by the institution in that state fiscal year and the corresponding percentage of the institution's operating budget for that state fiscal year that the total amount of federal funds represents;

(C) the total academic costs charged to students by the institution in that state fiscal year and the corresponding percentage of the institution's operating budget for that state fiscal year that the total academic costs represent; and

(D) the total amount of money from any source available to the institution in that state fiscal year.

(e) In addition to the information required by Subsection (d)(2), the resume must include under the heading "COSTS" the average annual amount and percentage by which the total academic costs charged to a resident undergraduate student enrolled in 30 semester credit hours have increased in each of the five most recent state fiscal years for which the information is available:

(1) at the institution; and

(2) at the institution's in-state and out-of-state peer institutions.

SECTION 6. Section 51A.053, Education Code, is amended by amending Subsection (c) and adding Subsection (d) to read as follows:

(c) Except as otherwise provided by the coordinating board under Subsection (a), the resume must include the following information relating to the most recent state fiscal year for which the information is available:

(1) under the heading "ENROLLMENT":

(A) the total number of students enrolled in the institution during the fall semester that ended in the fiscal year covered by the resume; ~~and~~

(B) the percentage of undergraduate students enrolled in the institution for the first time during the fall semester that ended in the fiscal year covered by the resume who are transfer students; and

(C) a clearly identifiable link to the information described by Paragraph (A) disaggregated by student ethnicity;

(2) under the heading "DEGREES AWARDED":

(A) the number of bachelor's degrees, number of master's degrees, number of doctoral degrees, and number of professional degrees awarded by the institution; and

(B) a clearly identifiable link to the information described by Paragraph (A) disaggregated by student ethnicity;

(3) under the heading "COSTS":

(A) the average annual total academic costs for a resident undergraduate student enrolled in 30 semester credit hours at the institution;

(B) clearly identifiable links to information regarding:

(i) the rate or rates of tuition per semester credit hour charged by the institution; and

(ii) any mandatory fees, as defined by the coordinating board, imposed by the institution; ~~and~~

~~[(iii) the amount and percentage by which the institution has increased tuition for a degree program or course level during the state fiscal year covered by the resume;]~~

(C) the average cost of on-campus room and board per student; and

(D) the average cost to a resident undergraduate student enrolled in 30 semester credit hours for total academic costs and on-campus room and board, excluding the cost of books, supplies, transportation, or other expenses;

(4) under the heading "FINANCIAL AID":

(A) the percentage of undergraduate students enrolled in the institution who receive need-based grants or scholarships;

(B) the percentage of undergraduate students enrolled in the institution who receive need-based grants, scholarships, loans, or work-study funds;

(C) the percentage of undergraduate students enrolled in the institution who receive student loans;

(D) the average amount of an undergraduate student's need-based grant and scholarship package; ~~and~~

(E) ~~(D)~~ the average amount of an undergraduate student's need-based grant, scholarship, loan, and work-study package; and

(F) the average amount of an undergraduate student's student loans;

(5) under the heading "ADMISSIONS":

(A) the middle 50 percent test score range of first-time undergraduate students at the institution whose Scholastic Assessment Test (SAT) scores were in the 25th to 75th percentile of students' scores at that institution;

(B) the middle 50 percent test score range of first-time undergraduate students at the institution whose American College Test (ACT) scores were in the 25th to 75th percentile of students' scores at that institution; and

(C) the percentage of the students who applied for first-time undergraduate admission to the institution who were offered admission to the institution;

(6) under the heading "INSTRUCTION":

(A) the student/faculty ratio at the institution;

(B) the percentage of organized undergraduate classes offered by the institution in which fewer than 20 students are enrolled;

(C) the percentage of organized undergraduate classes offered by the institution in which more than 50 students are enrolled; and

(D) the percentage of teaching faculty members of the institution who are tenured or tenure-track;

(7) under the heading "BACCALAUREATE SUCCESS":

(A) four-year, five-year, and six-year graduation rates for full-time bachelor's degree-seeking students at the institution, and links to that information disaggregated by student ethnicity; ~~and~~

(B) the average number of fall and spring semesters of enrollment attempted by a student to obtain a bachelor's degree; and

(C) the retention rate of first-time, full-time, degree-seeking entering undergraduate students enrolled in the institution after one academic year and after two academic years;

(8) under the heading "FIRST-TIME LICENSURE OR CERTIFICATION EXAMINATION PASS RATES," the first-time licensure or certification examination pass rates in the fields of education, law, pharmacy, nursing, and engineering of students enrolled in the institution or who have graduated from the institution; and

(9) under the heading "FUNDING":

(A) the total amount of money appropriated by the legislature to the institution, including money appropriated for faculty and staff health coverage and retirement benefits, for that state fiscal year and the corresponding percentage of the institution's operating budget for that state fiscal year that the total amount of money appropriated by the legislature represents;

(B) the total amount of federal funds from all federal sources, including grants and research funds, received by the institution in that state fiscal year and the corresponding percentage of the institution's operating budget for that state fiscal year that the total amount of federal funds represents;

(C) the total academic costs charged to students by the institution in that state fiscal year and the corresponding percentage of the institution's operating budget for that state fiscal year that the total academic costs represent; and

(D) the total amount of money from any source available to the institution in that state fiscal year.

(d) In addition to the information required by Subsection (c)(3), the resume must include under the heading "COSTS" the average annual amount and percentage by which the total academic costs charged to a resident undergraduate student enrolled in 30 semester credit hours have increased in each of the five most recent state fiscal years for which the information is available:

(1) at the institution; and

(2) at the institution's in-state peer institutions.

SECTION 7. Section 51A.102, Education Code, is amended by amending Subsection (d) and adding Subsection (e) to read as follows:

(d) The resume must include the following information relating to the institution for the most recent state fiscal year for which the information is available and compare that information to the same information for the state fiscal year preceding the most recent state fiscal year for which the information is available and the state fiscal year preceding the most recent state fiscal year for which the information is available by five years:

(1) under the heading "ENROLLMENT":

(A) ["ENROLLMENT,"] the total number of students enrolled in the institution for course credit during the fall semester that ended in the fiscal year covered by the resume;

(B) the percentage of students enrolled in the institution who are enrolled in one or more developmental education courses; and

(C) the percentage of students enrolled in the institution who are enrolled in one or more dual credit courses;

(2) under the heading "COSTS":

(A) ["COSTS,"] the average annual total academic costs, which for a junior college must include those costs for an in-district and an out-of-district student, for a student enrolled in 30 semester credit hours toward a two-year degree or certificate:

(i) [~~(A)~~] at the institution; and

(ii) [~~(B)~~] at the institution's in-state peer institutions;

(B) the percentage of students receiving student loans:

(i) at the institution; and

(ii) at the institution's in-state peer institutions;

(C) the average annual amount of student loans received by a

student:

(i) at the institution; and

(ii) at the institution's in-state peer institutions;

(D) the percentage of students receiving federal or state grants:

(i) at the institution; and

(ii) at the institution's in-state peer institutions; and

(E) the average annual amount of federal and state grants received

by a student:

(i) at the institution; and

(ii) at the institution's in-state peer institutions;

(3) under the heading "STUDENT SUCCESS":

(A) the retention rate of first-time, full-time, credential-seeking entering undergraduate students:

(i) enrolled in the institution after two academic years; and

(ii) enrolled in the institution's in-state peer institutions after two academic years;

(B) the percentage of undergraduate students requiring developmental education who, after three years from entering the institution, graduated from or are still enrolled in:

(i) the institution; and

(ii) the institution's in-state peer institutions;

(C) the three-year, four-year, and six-year graduation rates of full-time credential-seeking students:

(i) at the institution; and

(ii) at the institution's in-state peer institutions;

(D) the percentage of students who transferred to a general academic teaching institution or equivalent institution of higher education, as determined using the accountability system definition of a transfer student:

(i) from the institution; and

(ii) from the institution's in-state peer institutions; and

(E) the percentage of graduates from the preceding academic year who, as of the fall semester that ended in the fiscal year covered by the resume, were either employed or enrolled in a general academic teaching institution or equivalent institution of higher education for:

(i) the institution; and

(ii) the institution's in-state peer institutions; and

(4) under the heading "FUNDING":

(A) the total amount of money appropriated by the legislature to the institution [~~for that state fiscal year~~], including money appropriated for faculty and staff health coverage and retirement benefits, for that state fiscal year and the corresponding percentage of the institution's operating budget for that state fiscal year that the total amount of money appropriated by the legislature represents;

(B) the total amount of money from any source available to the institution in that state fiscal year; [~~and~~]

(C) the total amount of federal funds from all federal sources, including grants and research funds, received by the institution in that state fiscal year and the corresponding percentage of the institution's operating budget for that state fiscal year that the total amount of federal funds represents;

(D) the total academic costs charged to students by the institution in that state fiscal year and the corresponding percentage of the institution's operating budget for that state fiscal year that the total academic costs represent; and

(E) the tax rate per \$100 valuation of taxable property imposed by the junior college district, if the institution is a public junior college.

(e) In addition to the information required by Subsection (d)(2), the resume must include under the heading "COSTS" the average annual amount and percentage by which the total academic costs charged to a student enrolled in 30 semester credit hours toward a two-year degree or certificate have increased in each of the five most recent state fiscal years for which the information is available:

(1) at the institution; and

(2) at the institution's in-state peer institutions.

SECTION 8. Section 51.9745, Education Code, as added by this Act, applies beginning with the 2012 fall semester.

SECTION 9. The Texas Higher Education Coordinating Board and public institutions of higher education shall comply with the changes made by this Act to Chapter 51A, Education Code, as soon as practicable following the effective date of this Act, but not later than February 1, 2012.

SECTION 10. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2011.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **CSHB 736** by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION _____. Subchapter C, Chapter 61, Education Code, is amended by adding Section 61.0778 to read as follows:

Sec. 61.0778. ONLINE INFORMATION REGARDING CERTAIN FOR-PROFIT EDUCATIONAL ENTITIES. (a) In this section, "commission" means the Texas Workforce Commission.

(b) The board and commission jointly shall develop a comprehensive strategy to improve and coordinate the dissemination of online information regarding the operation and performance of for-profit private postsecondary educational institutions and for-profit career schools or colleges in this state. As part of the comprehensive strategy, the board and the commission shall compile, share, and compare existing data and other applicable information under the control of each agency and shall organize that information as nearly as possible according to the categories of information required for the online resumes of lower-division public institutions under Section 51A.103. The websites must:

(1) present information regarding those institutions, schools, and colleges in a manner that is:

(A) to the extent practicable, consistent among the institutions, schools, and colleges; and

(B) easily accessible and readily understandable to the public.

Senate Amendment No. 2 (Senate Floor Amendment No. 2)

Amend **CSHB 736** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION _____. Subchapter C, Chapter 61, Education Code, is amended by adding Section 61.09021 to read as follows:

Sec. 61.09021. COMPARISON TOOL. (a) The board shall make available to the public on the board's Internet website a search tool that allows a person to compare general academic teaching institutions that meet certain criteria selected by the person, including offering a particular major or program of study.

(b) The comparison tool required under this section must:

(1) be accessible from the board's Internet website;

(2) allow a user to identify general academic teaching institutions according to selection criteria as determined by the board; and

(3) be accessible to the public without requiring registration or use of a user name, password, or other user identification.

(c) The comparison tool required under this section must generate a comparison chart in a grid format that:

(1) lists the general academic teaching institutions that match a user's search criteria; and

(2) provides information for each institution listed that the board has determined would aid a prospective student in evaluating the institution.

(d) The Internet page displaying the comparison chart must include a link to the Internet website of the Texas Workforce Commission.

(e) To the extent practicable, the information provided under Subsection (c) must consist of information that a general academic teaching institution is required to report to the board under another provision of law, including board rule.

(f) Each general academic teaching institution shall provide to the board the information to be provided under Subsection (c) not later than October 1, or a date determined by the board, of each year. The board shall update the comparison tool as soon as practicable after receiving information from each institution.

SECTION 2. Not later than February 1, 2013, the Texas Higher Education Coordinating Board shall create and post on the board's Internet website the comparison tool required by Section 61.09021, Education Code, as added by this Act.

**HB 335 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

Representative Shelton called up with senate amendments for consideration at this time,

HB 335, A bill to be entitled An Act relating to implementation and requirements of certain health care reform laws.

Representative Shelton moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 335**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 335**: Shelton, chair; Branch, Creighton, Darby, and Thompson.

HB 2327 - MOTION TO CONCUR IN SENATE AMENDMENTS

Representative McClendon called up with senate amendments for consideration at this time,

HB 2327, A bill to be entitled An Act relating to the establishment and operation of a motor-bus-only lane pilot program in certain counties.

Representative McClendon moved to concur in the senate amendments to **HB 2327**.

The motion to concur in the senate amendments to **HB 2327** was lost by (Record 1566): 66 Yeas, 71 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Branch; Castro; Chisum; Christian; Coleman; Cook; Davis, J.; Davis, Y.; Driver; Dukes; Dutton; Eiland; Eissler; Farrar; Flynn; Gallego; Geren; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hardcastle; Hernandez Luna; Hilderbran; Hochberg; Howard, D.; Huberty; Hunter; Johnson; Keffer; King, T.; Kolkhorst; Larson; Lewis; Lozano; Lucio; Lyne; Mallory Caraway; Martinez; Martinez Fischer; McClendon; Menendez; Muñoz; Naishtat; Oliveira; Otto; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Rodriguez; Scott; Smithee; Thompson; Turner; Veasey; Vo; Walle; Workman.

Nays — Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Brown; Burkett; Button; Cain; Callegari; Carter; Craddick; Creighton; Crownover; Darby; Davis, S.; Elkins; Fletcher; Frullo; Gonzales, L.; Gooden; Hamilton; Hancock; Harless; Harper-Brown; Hartnett; Hopson; Howard, C.; Hughes; Isaac; Jackson; King, P.; King, S.; Kleinschmidt; Kuempel; Landtroop; Laubenberg; Lavender; Legler; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Parker; Patrick; Paxton; Perry; Phillips; Riddle; Schwertner; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Solomons; Taylor, L.; Taylor, V.; Truitt; Weber; White; Woolley; Zedler; Zerwas.

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

Absent, Excused — Burnam; Farias; Marquez; Miles; Price; Villarreal.

Absent — Deshotel; Garza; Peña; Strama; Torres.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1566. I intended to vote no.

Huberty

When Record No. 1566 was taken, I was temporarily out of the house chamber. I would have voted yes.

Torres

I was shown voting yes on Record No. 1566. I intended to vote no.

Workman

HB 2327 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS

Representative Solomons called up with senate amendments for consideration at this time,

HB 2327, A bill to be entitled An Act relating to the establishment and operation of a motor-bus-only lane pilot program in certain counties.

Representative Solomons moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 2327**.

The motion prevailed.

**HB 1173 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Riddle called up with senate amendments for consideration at this time,

HB 1173, A bill to be entitled An Act relating to the release on bond of certain persons arrested for a misdemeanor without a warrant in certain counties.

Representative Riddle moved to concur in the senate amendments to **HB 1173**.

The motion to concur in the senate amendments to **HB 1173** prevailed by (Record 1567): 136 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eissler; Farrar; Fletcher; Flynn; Frullo; Gallego; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; 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; Martinez; Martinez Fischer; McClendon; Menendez; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Riddle; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Thompson; Torres; Truitt; Turner; Veasey; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Castro.

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

Absent, Excused — Burnam; Farias; Marquez; Miles; Price; Villarreal.

Absent — Eiland; Elkins; Garza; Hilderbran; Taylor, V.

STATEMENT OF VOTE

I was shown voting yes on Record No. 1567. I intended to vote no.

Dutton

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 1173** (senate committee printing) as follows:

(1) Strike SECTION 1 of the bill (page 1, lines 11-22) and substitute the following:

SECTION 1. Article 17.033, Code of Criminal Procedure, is amended by adding Subsections (a-1) and (e) and amending Subsections (c) and (d) to read as follows:

(a-1) Notwithstanding Subsection (a) and except as provided by Subsection (c), a person who, in a county with a population of three million or more, is arrested without a warrant and who is detained in jail must be released on bond, in an amount not to exceed \$5,000, not later than the 36th hour after the person's arrest if the person was arrested for a misdemeanor and a magistrate has not determined whether probable cause exists to believe that the person committed the offense.

(c) On the filing of an application by the attorney representing the state, a magistrate may postpone the release of a person under Subsection (a), (a-1), or (b) for not more than 72 hours after the person's arrest. An application filed under this subsection must state the reason a magistrate has not determined whether probable cause exists to believe that the person committed the offense for which the person was arrested.

(d) The time limits imposed by Subsections (a), (a-1), and (b) do not apply to a person arrested without a warrant who is taken to a hospital, clinic, or other medical facility before being taken before a magistrate under Article 15.17. For a person described by this subsection, the time limits imposed by Subsections (a), (a-1), and (b) begin to run at the time, as documented in the records of the hospital, clinic, or other medical facility, that a physician or other medical professional releases the person from the hospital, clinic, or other medical facility.

(e) Subsection (a-1) and this subsection expire on September 1, 2013.

(2) In SECTION 2 of the bill (page 1, line 23), between "by this Act" and "applies", insert "in amending Article 17.033, Code of Criminal Procedure,".

(3) Add the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. Chapter 17, Code of Criminal Procedure, is amended by adding Article 17.0331 to read as follows:

Art. 17.0331. IMPACT STUDY. (a) This article applies only to a county with a population of three million or more.

(b) Each county to which this article applies shall conduct an impact study to determine the effect of Article 17.033(a-1) on the county's ability to control and process the county's misdemeanor caseload, including a specific assessment of the effect of that subsection on:

(1) the average number of hours a person who is arrested for a misdemeanor is detained in jail before being released on bond;

(2) bonding practices, including the number of persons released on personal bond;

(3) the inmate population in a county jail and in a each municipal jail located in the county;

(4) the number of arrests for misdemeanor offenses;

(5) public safety;

(6) costs to the criminal justice system; and

(7) the number of applications filed by the attorney representing the state under Article 17.033(c).

(c) The county shall also determine whether a more cost-effective method of controlling and processing misdemeanor caseloads exists than an extension of the period for which a person may be detained after a misdemeanor arrest.

(d) Not later than October 15, 2012, the county must file the impact study with:

- (1) the commissioners court of the county;
- (2) the Senate Committee on Criminal Justice;
- (3) the Senate Committee on Jurisprudence; and
- (4) the House Criminal Jurisprudence Committee.

(e) The county shall make the results of the impact study available to the public.

(f) This article expires on September 1, 2013.

HB 2367 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Parker called up with senate amendments for consideration at this time,

HB 2367, A bill to be entitled An Act relating to the creation of an advisory panel to study certain parental rights relating to possession of or access to the parent's child.

Representative Parker moved to concur in the senate amendments to **HB 2367**.

The motion to concur in the senate amendments to **HB 2367** prevailed by (Record 1568): 138 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Castro; Chisum; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farrar; Fletcher; Flynn; Frullo; Gallego; 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; Martinez; Martinez Fischer; McClendon; Menendez; Miller, D.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Miller, S.

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

Absent, Excused — Burnam; Farias; Marquez; Miles; Price; Villarreal.

Absent — Christian; Garza; Riddle.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 2367** (senate committee printing) in SECTION 1 of the bill as follows:

(1) Strike proposed Subsections (c) and (d) of that section (page 1, lines 40-48) and substitute the following:

(c) The advisory panel consists of nine members appointed by the governor.

(d) When making initial appointments under Subsection (c), the governor shall designate one of the appointees as presiding officer of the advisory panel.

(2) Strike proposed Subsection (g) of that section (page 1, lines 55-57) and substitute the following:

(g) The governor shall appoint members to the panel not later than December 31, 2011.

**HB 411 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Kolkhorst called up with senate amendments for consideration at this time,

HB 411, A bill to be entitled An Act relating to the confidentiality of newborn screening information.

Representative Kolkhorst moved to concur in the senate amendments to **HB 411**.

The motion to concur in the senate amendments to **HB 411** prevailed by (Record 1569): 134 Yeas, 4 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Castro; Chisum; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farrar; Fletcher; Flynn; Frullo; Gallego; 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.; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Laubenberg; Lavender; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miller, D.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Riddle; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Landtroop; Legler; Miller, S.; Perry.

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

Absent, Excused — Burnam; Farias; Marquez; Miles; Price; Villarreal.

Absent — Christian; Garza; Huberty; Shelton.

STATEMENTS OF VOTE

I was shown voting no on Record No. 1569. I intended to vote yes.

Landtroop

I was shown voting no on Record No. 1569. I intended to vote yes.

S. Miller

I was shown voting no on Record No. 1569. I intended to vote yes.

Perry

Senate Committee Substitute

CSHB 411, A bill to be entitled An Act relating to the confidentiality of newborn screening information.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 33.017, Health and Safety Code, as added by Chapter 179 (**HB 1672**), Acts of the 81st Legislature, Regular Session, 2009, is amended by amending Subsections (a), (b), and (c) and adding Subsections (a-1), (c-1), (e), (f), (g), (h), and (i) to read as follows:

(a) In this section:

(1) "Affiliated with a health agency" means a person who is an employee or former employee of a health agency.

(2) "Commission" means the Health and Human Services Commission.

(3) "Commissioner" means the commissioner of state health services.

(4) "Health agency" means the commission and the health and human services agencies listed in Section 531.001, Government Code.

(5) "Public health purpose" means a purpose that relates to cancer, a birth defect, an infectious disease, a chronic disease, environmental exposure, or newborn screening.

(a-1) Reports, records, and information obtained or developed by the department under this chapter are confidential and are not subject to disclosure under Chapter 552, Government Code, are not subject to subpoena, and may not otherwise be released or made public except as provided by this section.

(b) Notwithstanding other law, reports, records, and information obtained or developed by the department under this chapter may be disclosed:

(1) for purposes of diagnosis or follow-up authorized under Section 33.014;

(2) with the consent of each identified individual or an individual authorized to consent on behalf of an identified child;

(3) as authorized by court order;

(4) to a medical examiner authorized to conduct an autopsy on a child or an inquest on the death of a child; or

(5) to public health programs of the department for public health research purposes, provided that the disclosure is approved by:

(A) the commissioner or the commissioner's designee; and

(B) an institutional review board or privacy board of the department as authorized by the federal privacy requirements adopted under the Health Insurance Portability and Accountability Act of 1996 (Pub. L. No. 104-191) contained in 45 C.F.R. Part 160 and 45 C.F.R. Part 164, Subparts A and E.

(c) Notwithstanding other law, reports, records, and information that do not identify a child or the family of a child may be released without consent if the disclosure is for:

(1) statistical purposes;

(2) purposes related to obtaining or maintaining federal certification, including related [approval, or] quality assurance, for:

(A) the department's laboratory; or

(B) a public or private laboratory to perform newborn screening tests that are not part of inter-laboratory exchanges required for federal certification of the department's laboratory, provided that the disclosure is approved by the commissioner or the commissioner's designee;

(3) purposes relating to:

(A) review or [s] quality assurance[; or improvement] of the department's newborn screening under this chapter or the department's newborn screening program services under Subchapter C; or

(B) improvement of the department's newborn screening under this chapter or the department's newborn screening program services under Subchapter C, provided that the disclosure is approved by the commissioner or the commissioner's designee; or

~~(4) other [research purposes, provided that the disclosure is approved by an institutional review board or privacy board of the department; or~~

[(S)] quality assurance purposes related to public health testing equipment and supplies, provided that the disclosure is approved by:

(A) the commissioner or the commissioner's designee [assessment is performed by a person who is not a laboratory]; and

(B) [only newborn screening specimens are disclosed; and

~~[(C) the disclosure is approved by]~~ an institutional review board or privacy board of the department.

(c-1) Notwithstanding other law, reports, records, and information that do not identify a child or the family of a child may be released for public health research purposes if:

(1) a parent of the child consents to the disclosure; and

(2) the disclosure is approved by:

(A) an institutional review board or privacy board of the department; and

(B) the commissioner or the commissioner's designee.

(e) If disclosure is approved by the commissioner or the commissioner's designee under Subsection (c)(4) or (c-1), the department shall post notice on the newborn screening web page on the department's Internet website that disclosure has been approved. The commissioner shall determine the form and content of the notice.

(f) In accordance with this section, the commissioner or the commissioner's designee:

(1) may approve disclosure of reports, records, or information obtained or developed under this chapter only for a public health purpose; and

(2) may not approve disclosure of reports, records, or information obtained or developed under this chapter for purposes related to forensic science or health insurance underwriting.

(g) An institutional review board or privacy board of the department that approves disclosure under this section must include at least three persons who are not affiliated with a health agency, one of whom must be a member of the public.

(h) The requirement that consent be obtained before certain disclosures of reports, records, or information may be made under this section does not affect the requirement that screening tests be performed under Section 33.011.

(i) If a parent of a child consents to disclosure under this section:

(1) a parent of the child may revoke the consent, in whole or in part, at any time; and

(2) the child may revoke the consent, in whole or in part, at any time on or after the date the child attains the age of majority.

SECTION 2. (a) Except as provided by Subsection (b) of this section, this Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2011.

(b) Section 33.017(c-1), Health Safety Code, as added by this Act, takes effect June 1, 2012.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **CSHB 411** (senate committee printing) as follows:

(1) In the recital to SECTION 1 of the bill (page 1, line 15), strike "and (i)" and substitute "(i), and (j)".

(2) In SECTION 1 of the bill, strike amended Sections 33.017(b) and (c), Health and Safety Code (page 1, line 35, through page 2, line 27), and substitute the following:

(b) Notwithstanding other law, reports, records, and information obtained or developed by the department under this chapter may be disclosed:

(1) for purposes of diagnosis or follow-up authorized under Section 33.014;

(2) with the consent of each identified individual or an individual authorized to consent on behalf of an identified child;

(3) as authorized by court order;

(4) to a medical examiner authorized to conduct an autopsy on a child or an inquest on the death of a child; [✕]

(5) to public health programs of the department for public health research purposes, provided that the disclosure is approved by:

(A) the commissioner or the commissioner's designee; and

(B) an institutional review board or privacy board of the department as authorized by the federal privacy requirements adopted under the Health Insurance Portability and Accountability Act of 1996 (Pub. L. No. 104-191) contained in 45 C.F.R. Part 160 and 45 C.F.R. Part 164, Subparts A and E;

(6) for purposes relating to review or quality assurance of the department's newborn screening under this chapter or the department's newborn screening program services under Subchapter C, provided that no disclosure occurs outside of the department's newborn screening program;

(7) for purposes related to obtaining or maintaining federal certification, including related quality assurance, for the department's laboratory, provided that no disclosure occurs outside of the department's newborn screening program; or

(8) for purposes relating to improvement of the department's newborn screening under this chapter or the department's newborn screening program services under Subchapter C, provided that the disclosure is approved by the commissioner or the commissioner's designee.

(c) Notwithstanding other law, reports, records, and information that do not identify a child or the family of a child may be released without consent if the disclosure is for:

(1) statistical purposes;

(2) purposes related to obtaining or maintaining federal certification, including related review and ~~[approval, or]~~ quality assurance:

(A) for the department's laboratory that require disclosure outside of the department's newborn screening program; or

(B) for a public or private laboratory to perform newborn screening tests that are not part of inter-laboratory exchanges required for federal certification of the department's laboratory, provided that the disclosure is approved by the commissioner or the commissioner's designee; or

(3) ~~other [purposes relating to review, quality assurance, or improvement of the department's newborn screening under this chapter or the department's newborn screening program services under Subchapter C;~~

~~[(4) research purposes, provided that the disclosure is approved by an institutional review board or privacy board of the department; or~~

~~[(5)] quality assurance purposes related to public health testing equipment and supplies, provided that the disclosure is approved by:~~

~~(A) the commissioner or the commissioner's designee [assessment is performed by a person who is not a laboratory]; and~~

~~(B) [only newborn screening specimens are disclosed; and~~

~~[(C) the disclosure is approved by] an institutional review board or privacy board of the department.~~

(3) In SECTION 1 of the bill, in added Section 33.017(c-1), Health and Safety Code (page 2, line 30), between "public health research purposes" and "if", insert "not described by Subsection (b)(5)".

(4) In SECTION 1 of the bill, in added Section 33.017(c-1)(1), Health and Safety Code (page 2, line 31), strike "a parent" and substitute "a parent, managing conservator, or guardian".

(5) In SECTION 1 of the bill, in added Section 33.017(e), Health and Safety Code (page 2, line 39), strike "Subsection (c)(4)" and substitute "Subsection (c)(3)".

(6) In SECTION 1 of the bill, in added Section 33.017(g), Health and Safety Code (page 2, line 53), strike "approves" and substitute "reviews a potential".

(7) In SECTION 1 of the bill, strike added Sections 33.017(h) and (i), Health and Safety Code (page 2, lines 56-66), and substitute the following:

(h) Nothing in this section affects the requirement that screening tests be performed under Section 33.011.

(i) If a parent, managing conservator, or guardian of a child consents to disclosure under this section:

(1) the parent, managing conservator, or guardian who consented to the disclosure may revoke the consent, in writing, at any time by using a form designated by the department; and

(2) the child may revoke the consent, in writing, at any time on or after the date the child attains the age of majority by using a form designated by the department.

(j) If a person revokes consent under Subsection (i), the department shall destroy any genetic material obtained from the child as provided by Section 33.0112.

(8) In SECTION 2 of the bill, strike Subsection (b) (page 3, lines 4-5) and substitute the following:

(b) The changes made to Sections 33.0111 and 33.0112, Health and Safety Code, as amended by this Act, and Section 33.017(c-1), as added by this Act, take effect June 1, 2012.

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

SECTION _____. The heading to Section 33.0111, Health and Safety Code, is amended to read as follows:

Sec. 33.0111. DISCLOSURE STATEMENT AND CONSENT.

SECTION _____. Section 33.0111, Health and Safety Code, is amended by amending Subsections (a), (b), and (d) and adding Subsections (e), (f), and (g) to read as follows:

(a) The department shall develop a disclosure statement that clearly discloses to the parent, managing conservator, or guardian of a newborn child subjected to screening tests under Section 33.011:

(1) that the department or a laboratory established or approved by the department under Section 33.016 may retain for use by the department or laboratory genetic material used to conduct the newborn screening tests and discloses how the material is managed and used subject to this section and Sections 33.0112 and 33.017; and

(2) that reports, records, and information obtained by the department under this chapter that do not identify a child or the family of a child will not be released for public health research purposes under Section 33.017(c-1) unless a parent, managing conservator, or guardian of the child consents to disclosure; and

(3) that newborn screening blood spots and associated data are confidential under law and may only be used as described by Section 33.017 [that the parent, managing conservator, or guardian may limit the use of the genetic material by providing to the department in accordance with Section 33.0112 a written statement prohibiting the department or laboratory from retaining the genetic material or using the genetic material for any purpose other than the conduct of newborn screening tests authorized under this chapter].

(b) The disclosure statement required by Subsection (a) must be included on the form developed by the department to inform parents about newborn screening. The disclosure statement must:

(1) ~~be on a separate sheet of the form;~~

~~[(2)] be [presented together with the written statement described by Subsection (a)(2)] in a format that allows a parent, managing conservator, or guardian of a newborn child to consent to disclosure under Section 33.017(c-1) [either:~~

~~[(A) sign, detach, and mail a portion of the form to the department to require the department or laboratory to destroy the genetic material on completion of the newborn screening tests; or~~

~~[(B) check a box and sign next to the box on the form a statement indicating the parent, managing conservator, or guardian is requiring the department or laboratory to destroy the genetic material on completion of the newborn screening tests];~~

(2) ~~[(2)]~~ include instructions on how to complete the portions of the form described by Subdivision (1) ~~[Subdivisions (2)(A) and (B)]~~;

(3) ~~[(4)]~~ include the department's mailing address; and

(4) describe how [(5) be made available to] a parent, managing conservator, or guardian of a newborn child may obtain information regarding consent through alternative sources.

(d) The department shall establish procedures for a physician attending a newborn child or the person attending the delivery of a newborn child to provide verification to the department that the physician or person has provided the parent, managing conservator, or guardian of the newborn child the disclosure statement required under this section.

(e) The physician attending a newborn child or the person attending the delivery of a newborn child that is not attended by a physician shall submit any document required by the department.

(f) This section does not supersede the requirements imposed by Section 33.017.

(g) A reference in this section to Section 33.017 means Section 33.017 as added by Chapter 179 (HB 1672), Acts of the 81st Legislature, Regular Session, 2009.

SECTION _____. Section 33.0112, Health and Safety Code, is amended to read as follows:

Sec. 33.0112. DESTRUCTION [STATEMENT PROHIBITING RETENTION] OF GENETIC MATERIAL. (a) The department shall destroy any genetic material obtained from a child under this chapter not later than the second anniversary of the date the department receives the genetic material unless a parent, managing conservator, or guardian of the child consents to disclosure under Section 33.017(c-1) [A parent, managing conservator, or guardian of a newborn child may file with the department a signed written statement prohibiting the department or a laboratory established or approved by the department from retaining any genetic material related to the newborn screening tests conducted under this chapter or using the genetic material for any purpose other than the conduct of the newborn screening tests. A parent, managing conservator, or guardian may file the written statement on a form provided by the department].

(b) The department shall destroy any genetic material obtained from a child under this chapter not later than the second anniversary of the date the department receives the genetic material if:

(1) a parent, managing conservator, or guardian of the child consents to disclosure under Section 33.017(c-1);

(2) the parent, managing conservator, or guardian who consented to the disclosure revokes the consent under Section 33.017(i); and

(3) the department receives the written revocation of consent under Section 33.017(i) not later than the second anniversary of the date the department received the genetic material [Not later than the 60th day after the department receives the written statement, the department or laboratory shall destroy the genetic material used in the screening tests].

(c) The department shall destroy any genetic material obtained from a child under this chapter not later than the 60th day after the date the department receives a written revocation of consent under Section 33.017(i) if:

(1) a parent, managing conservator, or guardian of the child consented to disclosure under Section 33.017(c-1);

(2) the parent, managing conservator, or guardian who consented to the disclosure or the child revokes the consent under Section 33.017(i); and

(3) the department receives the written revocation of consent later than the second anniversary of the date the department received the genetic material [An adult individual may file with the department a written statement instructing the department or a laboratory established or approved by the department to destroy any genetic material of the individual that is retained and used under this chapter].

(d) A reference in this section to Section 33.017 means Section 33.017 as added by Chapter 179 (HB 1672), Acts of the 81st Legislature, Regular Session, 2009.

Senate Amendment No. 2 (Senate Floor Amendment No. 2)

Amend **CSHB 411** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subdivision (2), Section 47.001, Health and Safety Code, is amended to read as follows:

(2) "Birthing facility" means:

(A) a hospital licensed under Chapter 241 that offers obstetrical services ~~[and is located in a county with a population of more than 50,000]; [or]~~

(B) a birthing center licensed under Chapter 244;

(C) a children's hospital; or

(D) a facility, maintained or operated by this state or an agency of this state, that provides obstetrical services [that is located in a county with a population of more than 50,000 and that has 100 or more births per year].

SECTION _____. Section 47.003, Health and Safety Code, is amended by amending Subsections (a), (c), (d), and (e) and adding Subsections (a-1) and (f) to read as follows:

(a) A birthing facility, through a program certified by the department under Section 47.004, shall perform, either directly or through a transfer agreement, [offer the parents of a newborn] a hearing screening [for the newborn] for the identification of hearing loss on each newborn or infant born at the facility before the newborn or infant is discharged from the facility unless:

(1) the parent declines the screening;

(2) the newborn or infant is transferred to another facility before the screening is performed; or

(3) the screening has previously been completed.

(a-1) The birthing facility [screening] shall inform the parents [be offered] during [the birth] admission that:

(1) the facility is required by law to screen a newborn or infant for hearing loss; and

(2) the parents may decline the screening[, and the parents shall be informed that information may be provided to the department upon their written consent].

(c) Subject to Section 47.008, the ~~[The]~~ department shall ~~[may]~~ maintain data and information on each newborn or infant who receives a hearing screening under Subsection (a) [services under a program].

(d) The department shall ensure that intervention is available to families for a newborn or infant identified as having hearing loss and that the intervention is managed by state programs operating under the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.).

(e) The department shall ensure that the intervention described by Subsection (d) is available for a newborn or infant identified as having hearing loss not later than the sixth month after the newborn's or infant's birth and through the time the child is an infant unless the infant has been hospitalized since birth.

(f) If a newborn or an infant receives medical intervention services, including a hearing aid or cochlear implant, the intervention specialist shall report the results of the intervention to the department.

SECTION ____ Chapter 47, Health and Safety Code, is amended by adding Section 47.0031 to read as follows:

Sec. 47.0031. FOLLOW-UP SCREENING. (a) The program that performed the hearing screening under Section 47.003 shall provide the newborn's or infant's parents with the screening results. A birthing facility, through the program, shall offer a follow-up hearing screening to the parents of a newborn or infant who does not pass the screening, or refer the parents to another program for the follow-up hearing screening. The follow-up hearing screening should be performed not later than the 30th day after the date the newborn or infant is discharged from the facility.

(b) If a newborn or an infant does not pass the screening in a follow-up hearing screening, the program that performed the follow-up hearing screening on the newborn or infant shall:

(1) provide the newborn's or infant's parents with the screening results;
 (2) assist in scheduling a diagnostic audiological evaluation for the newborn or infant, consistent with the most current guidelines in the Joint Committee on Infant Hearing Position Statement, or refer the newborn or infant to a licensed audiologist who provides diagnostic audiological evaluations for newborns or infants that are consistent with the most current guidelines in the Joint Committee on Infant Hearing Position Statement; and

(3) refer the newborn or infant to early childhood intervention services.

SECTION ____ Subsections (b) and (d), Section 47.004, Health and Safety Code, are amended to read as follows:

(b) In order to be certified, the program must:

- (1) provide hearing screening using equipment recommended by the department;
- (2) use appropriate staff to provide the screening;
- (3) maintain and report data electronically as required by the department;
- (4) distribute family, health care provider, and physician educational materials standardized by the department; ~~and~~
- (5) provide information, as recommended by the department, to the parents on follow-up services for newborns and infants who do not pass the ~~[with abnormal]~~ screening; and
- (6) be supervised by:
 - (A) a physician;
 - (B) an audiologist;
 - (C) a registered nurse; or

(D) a physician assistant ~~[results]~~.

(d) The department may renew the certification of a program on a periodic basis as established by board rule in order to ensure quality services to newborns, infants, and families.

SECTION _____. Section 47.005, Health and Safety Code, is amended by amending Subsections (a) and (b) and adding Subsections (d) and (e) to read as follows:

(a) A birthing facility that operates a program shall distribute to the parents of each newborn or infant who is screened educational materials that are standardized by the department regarding screening results and follow-up care.

(b) A birthing facility that operates a program shall report screening results to:

(1) the parents;

(2) ~~[7]~~ the newborn's or infant's attending physician, primary care physician, or other applicable health care provider; ~~[7]~~ and

(3) the department.

(d) The department may coordinate the diagnostic audiological evaluation required under Section 47.0031(b)(2). A diagnostic audiological evaluation must be completed on the newborn or infant:

(1) not later than the third month after the newborn's or infant's birth unless the newborn or infant has been hospitalized since birth; or

(2) upon referral by the newborn's or infant's primary care physician or other applicable health care provider.

(e) An audiologist who performs a diagnostic audiological evaluation under this chapter shall report the results of the evaluation to:

(1) the parents;

(2) the newborn's or infant's primary care physician or other applicable health care provider; and

(3) the department under Section 47.007(b).

SECTION _____. Section 47.007, Health and Safety Code, is amended by amending Subsection (b) and adding Subsections (d) through (h) to read as follows:

(b) Subject to Section 47.008, a ~~[A]~~ qualified hearing screening provider, hospital, health care provider, physician, audiologist, or intervention specialist shall ~~may~~ access the information management, reporting, and tracking system to provide information~~[, where available,]~~ to the department and may obtain information from the department~~[, including information]~~ relating to:

(1) the results of each hearing screening performed under Section 47.003(a) or 47.0031(a);

(2) the results of each diagnostic audiological evaluation required under Section 47.0031(b)(2);

(3) ~~[(1)]~~ infants who receive follow-up care;

(4) ~~[(2)]~~ infants identified with hearing loss;

(5) ~~[(3)]~~ infants who are referred for intervention services; and

(6) ~~[(4)]~~ case level information necessary to report required statistics to:

(A) the Maternal and Child Health Bureau on an annual basis; and

(B) the federal Centers for Disease Control and Prevention.

(d) A birthing facility described by Subsection (a) shall report the resulting information in the format and within the time frame specified by the department.

(e) A qualified hearing screening provider, audiologist, intervention specialist, educator, or other person who receives a referral from a program under this chapter shall:

(1) provide the services needed by the newborn or infant or refer the newborn or infant to a person who provides the services needed by the newborn or infant; and

(2) provide, with the consent of the newborn's or infant's parent, the following information to the department or the department's designee:

(A) results of follow-up care;

(B) results of audiologic testing of an infant identified with hearing loss; and

(C) reports on the initiation of intervention services.

(f) A qualified hearing screening provider, audiologist, intervention specialist, educator, or other person who provides services to an infant who is diagnosed with hearing loss shall provide, with the consent of the infant's parent, the following information to the department or the department's designee:

(1) results of follow-up care;

(2) results of audiologic testing; and

(3) reports on the initiation of intervention services.

(g) A hospital that provides services under this chapter shall use the information management, reporting, and tracking system described by this section, access to which has been provided to the hospital by the department, to report, with the consent of the infant's parent, the following information to the department or the department's designee:

(1) results of all follow-up services for an infant who does not pass the screening described by Section 47.003(a) if the hospital provides the follow-up services; or

(2) the name of the provider or facility to which the hospital refers an infant who does not pass the screening described by Section 47.003(a) for follow-up services.

(h) Subject to Section 47.008, a qualified hearing screening provider, hospital, health care provider, physician, audiologist, or intervention specialist may obtain information from the department relating to:

(1) the results of each hearing screening performed under Section 47.003(a) or 47.0031(a);

(2) the results of each diagnostic audiological evaluation required under Section 47.0031(b)(2);

(3) infants who receive follow-up care;

(4) infants identified with hearing loss; and

(5) infants who are referred for intervention services.

SECTION ____ Chapter 47, Health and Safety Code, is amended by adding Sections 47.010 and 47.011 to read as follows:

Sec. 47.010. RULEMAKING. (a) The executive commissioner of the Health and Human Services Commission may adopt rules for the department to implement this chapter.

(b) If the executive commissioner adopts rules, the executive commissioner shall consider the most current guidelines established by the Joint Committee on Infant Hearing.

Sec. 47.011. DUTIES OF MIDWIFE. (a) In this section, "midwife" has the meaning assigned by Section 203.002, Occupations Code, and includes a nurse midwife described by Section 301.152, Occupations Code.

(b) A midwife who attends the birth of a newborn:

(1) is not required to offer the parents of the newborn a hearing screening for the newborn for the identification of hearing loss; and

(2) shall refer the parents of the newborn to a birthing facility or a provider that participates in the program and make a record of the referral.

SECTION _____. Section 47.002, Health and Safety Code, is repealed.

SECTION _____. (a) Not later than January 1, 2012, the executive commissioner of the Health and Human Services Commission shall prescribe a form to document a parent's decision to decline screening under Subdivision (1), Subsection (a), Section 47.003, Health and Safety Code, as added by this Act, in consultation with persons and organizations interested in newborn hearing screening.

(b) The Department of State Health Services may post the form prescribed under Subsection (a) of this section on the department's Internet website.

(c) A person or facility is not required to comply with the changes in law made by this Act to Chapter 47, Health and Safety Code, until January 1, 2012.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for today because of important business in the district:

Garza on motion of Isaac.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 39 and Senate List Nos. 35 and 36).

(T. King in the chair)

RECESS

At 1:31 p.m., the chair announced that the house would stand recessed until 3:30 p.m. today.

AFTERNOON SESSION

The house met at 3:30 p.m. and was called to order by Representative Ritter.

(Farias and Marquez now present)

HR 2335 - ADOPTED
(by Anchia)

Representative Anchia moved to suspend all necessary rules to take up and consider at this time **HR 2335**.

The motion prevailed.

The following resolution was laid before the house:

HR 2335, Honoring the Reverend Albert K. Haynes, Sr., on his 40th pastoral anniversary.

HR 2335 was read and was adopted.

On motion of Representative Giddings, the names of all the members of the house were added to **HR 2335** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Anchia who introduced Reverend Albert K. Haynes, Sr., and representatives of the Bethany Missionary Baptist Church.

HR 2374 - ADOPTED
(by Gutierrez)

Representative Gutierrez moved to suspend all necessary rules to take up and consider at this time **HR 2374**.

The motion prevailed.

The following resolution was laid before the house:

HR 2374, Congratulating Velma Sue De Leon on being elected president of the Texas Funeral Directors Association.

HR 2374 was adopted.

On motion of Representative Hamilton, the names of all the members of the house were added to **HR 2374** as signers thereof.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 3).

(Villarreal now present)

HCR 172 - ADOPTED
(by Hamilton)

The following privileged resolution was laid before the house:

HCR 172

WHEREAS, **HB 2643** has been adopted by the house of representatives and the senate and is being prepared for enrollment; and

WHEREAS, The bill contains technical errors that should be corrected; now, therefore, be it

RESOLVED, by the 82nd Legislature of the State of Texas, That the enrolling clerk of the house of representatives be instructed to correct **HB 2643**, in the SECTION of the bill amending Section 1302.263, Occupations Code, by striking "A person licensed as a contractor under this subchapter [~~chapter~~]" and substituting "A person licensed as a contractor under this chapter".

HCR 172 was adopted by (Record 1570): 141 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; 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; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Hernandez Luna; Hilderbran; Hochberg; 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; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Riddle; 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; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Burnam; Garza; Miles; Price.

Absent — Harper-Brown; Johnson; Parker.

HR 2519 - ADOPTED
(by Menendez)

Representative Menendez moved to suspend all necessary rules to take up and consider at this time **HR 2519**.

The motion prevailed.

The following resolution was laid before the house:

HR 2519, Honoring Alex Briseno on his retirement as the chair of the board of trustees of the San Antonio Water System.

HR 2519 was adopted.

HB 1760 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

Representative Dukes called up with senate amendments for consideration at this time,

HB 1760, A bill to be entitled An Act relating to the creation of the Pilot Knob Municipal Utility District No. 5; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

Representative Dukes moved to concur in the senate amendments to **HB 1760**.

The motion to concur in the senate amendments to **HB 1760** prevailed by (Record 1571): 143 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; 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; 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; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Riddle; 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; Woolley; Workman; Zedler; Zerwas.

Nays — Carter.

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

Absent, Excused — Burnam; Garza; Miles; Price.

Senate Committee Substitute

CSHB 1760, A bill to be entitled An Act relating to the creation of the Pilot Knob Municipal Utility District No. 5; providing authority to impose a tax and issue bonds.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 8374 to read as follows:

CHAPTER 8374. PILOT KNOB MUNICIPAL UTILITY DISTRICT NO. 5

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8374.001. DEFINITIONS. In this chapter:

- (1) "Board" means the district's board of directors.
- (2) "Commission" means the Texas Commission on Environmental

Quality.

- (3) "Director" means a board member.
- (4) "District" means the Pilot Knob Municipal Utility District No. 5.

(5) "Municipality" means a municipality in whose corporate limits or extraterritorial jurisdiction the district is located.

Sec. 8374.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8374.003. CONFIRMATION AND DIRECTORS' ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect permanent directors as provided by Section 8374.051 of this code and Section 49.102, Water Code.

Sec. 8374.004. CONSENT OF MUNICIPALITY REQUIRED. (a) The temporary directors may not hold an election under Section 8374.003 until each municipality has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district.

(b) If a municipality does not consent to the creation of the district or if the district does not enter into an agreement required by the terms of the municipal ordinance or resolution consenting to the creation of the district under this section before September 1, 2012:

(1) the district is dissolved September 1, 2012, except that:

(A) any debts incurred shall be paid;

(B) any assets that remain after the payment of debts shall be transferred to the municipality or another local governmental entity to be used for a public purpose; and

(C) the organization of the district shall be maintained until all debts are paid and remaining assets are transferred; and

(2) this chapter expires September 1, 2012.

Sec. 8374.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a) The district is created to serve a public purpose and benefit.

(b) The district is created to accomplish the purposes of:

(1) a municipal utility district as provided by general law and Section 59, Article XVI, Texas Constitution; and

(2) Section 52, Article III, Texas Constitution, that relate to the construction, acquisition, or improvement of macadamized, graveled, or paved roads described by Section 54.234, Water Code, or improvements, including storm drainage, in aid of those roads.

Sec. 8374.006. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2 of the Act enacting this chapter.

(b) The boundaries and field notes contained in Section 2 of the Act enacting this chapter form a closure. A mistake made in the field notes or in copying the field notes in the legislative process does not affect the district's:

(1) organization, existence, or validity;

(2) right to issue any type of bond for the purposes for which the district is created or to pay the principal of and interest on a bond;

(3) right to impose a tax; or

(4) legality or operation.

[Sections 8374.007-8374.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8374.051. GOVERNING BODY; TERMS. (a) Except as provided by Subsection (b), the district is governed by a board of five elected directors.

(b) If required under the terms of the agreement, ordinance, or resolution by which a municipality consents to the creation of the district, the board consists of:

(1) four elected directors; and

(2) one director appointed by the governing body of the municipality.

(c) A director appointed under Subsection (b)(2) is not required to be a qualified voter of the district or to own land subject to taxation in the district.

(d) Except as provided by Section 8374.052, directors serve staggered four-year terms. A permanent director may not serve more than two four-year terms.

(e) The common law doctrine of incompatibility does not disqualify an official or employee of a municipality from being appointed a director by the governing body of a municipality under Subsection (b)(2), and a director appointed to the board may continue to serve in a public office or be employed by the municipality.

Sec. 8374.052. TEMPORARY DIRECTORS. (a) On or after the effective date of the Act enacting this chapter, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as temporary directors the five persons named in the petition. The commission shall appoint as temporary directors the five persons named in the petition.

(b) Temporary directors serve until the earlier of:

(1) the date permanent directors are elected under Section 8374.003; or

(2) the fourth anniversary of the effective date of the Act enacting this

chapter.

(c) If permanent directors have not been elected under Section 8374.003 and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:

(1) the date permanent directors are elected under Section 8374.003; or

(2) the fourth anniversary of the date of the appointment or

reappointment.

(d) If Subsection (c) applies, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as successor temporary directors the five persons named in the petition. The commission shall appoint as successor temporary directors the five persons named in the petition.

[Sections 8374.053-8374.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8374.101. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 8374.102. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.

Sec. 8374.103. AUTHORITY FOR ROAD PROJECTS. (a) Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads described by Section 54.234, Water Code, or improvements, including storm drainage, in aid of those roads.

(b) The district may exercise the powers provided by this section without submitting a petition to or obtaining approval from the commission as required by Section 54.234, Water Code.

Sec. 8374.104. APPROVAL OF ROAD PROJECT. (a) The district may not undertake a road project authorized by Section 8374.103 unless:

(1) each municipality or county that will operate and maintain the road has approved the plans and specifications of the road project, if a municipality or county will operate and maintain the road; or

(2) the Texas Transportation Commission has approved the plans and specifications of the road project, if the state will operate and maintain the road.

(b) Except as provided by Subsection (a), the district is not required to obtain approval from the Texas Transportation Commission to design, acquire, construct, finance, issue bonds for, improve, or convey a road project.

Sec. 8374.105. COMPLIANCE WITH AND ENFORCEABILITY OF MUNICIPAL CONSENT AGREEMENT, ORDINANCE, OR RESOLUTION.

(a) The district shall comply with all applicable requirements of any ordinance or resolution that is adopted under Section 54.016 or 54.0165, Water Code, and that consents to the creation of the district or to the inclusion of land in the district.

(b) Any agreement between the district and a municipality related to the municipality's consent to the creation of the district is valid and enforceable.

(c) On the issuance of bonds by the district, the district is considered to have waived sovereign immunity to suit by a municipality for the purpose of adjudicating a claim for breach of an agreement described by this section.

Sec. 8374.106. CONTRACT TO FURTHER REGIONAL COOPERATION. The district and a municipality may contract on terms that the board and governing body of the municipality agree will further regional cooperation between the district and the municipality.

Sec. 8374.107. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

[Sections 8374.108-8374.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8374.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The district may issue, without an election, bonds and other obligations secured by:

(1) revenue other than ad valorem taxes; or

(2) contract payments described by Section 8374.153.

(b) The district must hold an election in the manner provided by Chapters 49 and 54, Water Code, to obtain voter approval before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes.

(c) The district may not issue bonds payable from ad valorem taxes to finance a road project unless the issuance is approved by a vote of a two-thirds majority of the district voters voting at an election held for that purpose.

Sec. 8374.152. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 8374.151, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.

(b) The board shall determine the tax rate. The rate may not exceed the rate approved at the election.

(c) If required by an agreement between the district and a municipality under Section 8374.105, the total ad valorem tax rate of the district may not be less than the total ad valorem tax rate of the municipality.

Sec. 8374.153. CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.

(b) A contract approved by the district voters may contain a provision stating that the contract may be modified or amended by the board without further voter approval.

[Sections 8374.154-8374.200 reserved for expansion]

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 8374.201. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources, to pay for any authorized district purpose.

Sec. 8374.202. TAXES FOR BONDS. At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

Sec. 8374.203. BONDS FOR ROAD PROJECTS. At the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of the real property in the district.

[Sections 8374.204-8374.250 reserved for expansion]

SUBCHAPTER F. STRATEGIC PARTNERSHIP AGREEMENT; MUNICIPAL ANNEXATION AND NOTICE

Sec. 8374.251. STRATEGIC PARTNERSHIP; CONTINUATION OF DISTRICT AFTER ANNEXATION BY MUNICIPALITY. (a) The district may continue to exist as a limited district after full-purpose annexation by a

municipality if the district and the annexing municipality state the terms of the limited district's existence in a strategic partnership agreement under Section 43.0751, Local Government Code.

(b) The strategic partnership agreement may provide for a term of any number of years. The limitation in Section 43.0751(g)(2), Local Government Code, on the length of the term does not apply to a limited district created under this section.

Sec. 8374.252. MUNICIPAL ANNEXATION; NOTICE. (a) Sections 43.0561 and 43.0562, Local Government Code, do not apply to the annexation of the district by a municipality that consents to the creation of the district under Section 8374.004.

(b) Not later than the 30th day after the date a municipality adopts a resolution or ordinance consenting to the creation of the district, the municipality shall file, in the real property records of the county in which the land to be included in the district is located, a notice to a purchaser of real property in the district that describes:

(1) the municipality's authority and intention to annex the district; and

(2) the anticipated date of the annexation.

(c) After the notice is filed, a person who proposes to sell or otherwise convey real property in the district must include the information contained in the municipality's notice in the Notice to Purchasers required by Section 49.452, Water Code.

SECTION 2. The Pilot Knob Municipal Utility District No. 5 initially includes all the territory contained in the following area: 327.482 acres of land described below:

A DESCRIPTION OF 339.352 ACRES IN THE SANTIAGO DEL VALLE GRANT IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF A 167.748 ACRE TRACT DESCRIBED IN A GENERAL WARRANTY DEED TO JONA ACQUISITION INC., DATED DECEMBER 13, 2006 AND RECORDED IN DOCUMENT NO. 2006241307 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF A 98.656 ACRE TRACT DESCRIBED IN A GENERAL WARRANTY DEED TO JONA ACQUISITION INC., DATED OCTOBER 19, 2006 AND RECORDED IN DOCUMENT NO. 2006204344 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF A 60.921 ACRE TRACT DESCRIBED IN A SPECIAL WARRANTY DEED TO JONA ACQUISITION INC., DATED DECEMBER 12, 2006 AND RECORDED IN DOCUMENT NO. 2006239174 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF A 51.942 ACRE TRACT DESCRIBED IN A GENERAL WARRANTY DEED TO JONA ACQUISITION INC., DATED DECEMBER 1, 2006 AND RECORDED IN DOCUMENT NO. 2006233636 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF A 55.222 ACRE TRACT DESCRIBED IN A SPECIAL WARRANTY DEED TO JONA ACQUISITION INC., DATED APRIL 2, 2006 AND RECORDED IN DOCUMENT NO. 2007060712 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF A 25.119 ACRE

TRACT DESCRIBED IN A SPECIAL WARRANTY DEED TO JONA ACQUISITION INC., DATED APRIL 2, 2006 AND RECORDED IN DOCUMENT NO. 2007060707 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF A 7.602 ACRE TRACT DESCRIBED IN A SPECIAL WARRANTY DEED TO JONA ACQUISITION INC., DATED APRIL 2, 2006 AND RECORDED IN DOCUMENT NO. 2007060704 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF A 23.694 ACRE TRACT DESCRIBED IN A SPECIAL WARRANTY DEED TO JONA ACQUISITION INC., DATED APRIL 2, 2006 AND RECORDED IN DOCUMENT NO. 2007060710 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF A 42.558 ACRE TRACT DESCRIBED IN A GENERAL WARRANTY DEED TO JONA ACQUISITION INC., DATED MAY 16, 2008 AND RECORDED IN DOCUMENT NO. 2008083861 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF LOT A, HARRY REININGER SUBDIVISION, A SUBDIVISION OF RECORD IN VOLUME 65, PAGE 47 OF THE PLAT RECORDS OF TRAVIS COUNTY TEXAS, CONVEYED TO JOHN HALDENSTEIN & RUTH HALDENSTEIN IN WARRANTY DEED WITH VENDOR'S LIEN DATED SEPTEMBER 29, 2000 AND RECORDED IN DOCUMENT NO. 2000161977 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY TEXAS, AND A PORTION OF SASSMAN ROAD (RIGHT-OF-WAY WIDTH VARIES); SAID 339.352 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" rebar with Chaparral cap found in the west right-of-way line of F.M. 1625 (80' right-of-way width), for the southeast corner of said 167.748 acre tract, same being in the north right-of-way line of Sassman Road; THENCE South 27°11'52" West, crossing Sassman Road with the west right-of-way line of F.M. 1625, a distance of 70.00 feet to a 1/2" rebar found in the south right-of-way line of Sassman Road, for the northeast corner of said 98.656 acre tract;

THENCE continuing with the west right-of-way line of F.M. 1625, same being the east line of said 98.656 acre tract, the following two (2) courses and distances:

1. South 27°11'52" West, a distance of 2856.46 feet to a concrete highway monument found 40 feet right of engineers' centerline station 115+77;

2. South 27°04'38" West, a distance of 352.96 feet to a calculated point; THENCE crossing said 98.656 acre tract, said 60.921 acre tract, said 51.942 acre tract, said 55.222 acre tract, said 25.119 acre tract, said 7.602 acre tract, said 23.694 acre tract, Sassman Road, said Lot A, said 42.558 acre tract, and said 167.748 acre tract, the following fifteen (15) courses and distances:

1. North 62°55'22" West, a distance of 149.13 feet to a calculated point;

2. With a curve to the right, having a radius of 1800.01 feet, a delta angle of 68°24'29", an arc length of 2149.12 feet, and a chord which bears North 28°43'07" West, a distance of 2023.72 feet to a calculated point;

3. North 05°29'07" East, a distance of 423.15 feet to a calculated point;

4. With a curve to the left, having a radius of 1000.01 feet, a delta angle of $40^{\circ}36'48''$, an arc length of 708.84 feet, and a chord which bears North $14^{\circ}49'17''$ West, a distance of 694.09 feet to a calculated point;
5. North $35^{\circ}07'41''$ West, a distance of 344.76 feet to a calculated point;
6. North $54^{\circ}52'19''$ East, a distance of 25.40 feet to a calculated point;
7. With a curve to the left, having a radius of 500.00 feet, a delta angle of $96^{\circ}25'47''$, an arc length of 841.51 feet, and a chord which bears North $06^{\circ}39'26''$ East, a distance of 745.65 feet to a calculated point;
8. North $41^{\circ}33'28''$ West, a distance of 274.95 feet to a calculated point;
9. With a curve to the right, having a radius of 580.00 feet, a delta angle of $69^{\circ}45'07''$, an arc length of 706.10 feet, and a chord which bears North $06^{\circ}40'54''$ West, a distance of 663.29 feet to a calculated point;
10. North $28^{\circ}11'39''$ East, a distance of 1597.96 feet to a calculated point;
11. South $61^{\circ}48'21''$ East, a distance of 1135.34 feet to a calculated point;
12. With a curve to the left, having a radius of 1399.96 feet, a delta angle of $31^{\circ}17'38''$, an arc length of 764.63 feet, and a chord which bears South $77^{\circ}27'10''$ East, a distance of 755.16 feet to a calculated point;
13. North $86^{\circ}54'01''$ East, a distance of 948.14 feet to a calculated point;
14. With a curve to the right, having a radius of 1399.96 feet, a delta angle of $30^{\circ}17'26''$, an arc length of 740.12 feet, and a chord which bears South $77^{\circ}57'16''$ East, a distance of 731.53 feet to a calculated point;
15. South $62^{\circ}48'33''$ East, a distance of 209.85 feet to a calculated point in the west right-of-way line of F.M. 1625, same being the east line of said 167.748 acre tract;

THENCE with the west right-of-way line of F.M. 1625, same being the east line of said 167.748 acre tract, the following two (2) courses and distances:

1. South $27^{\circ}05'45''$ West, a distance of 973.90 feet to a concrete highway monument found 40 feet right of engineers' centerline station 68+93.3;
2. South $27^{\circ}19'52''$ West, a distance of 601.74 feet to a 1/2" rebar with Chaparral cap found for the northeast corner of a 2.99 acre tract described in a deed to Thomas Edward McHenry and wife, Angela Jane McHenry, recorded in Document No. 2005117402 of the Official Public Records of Travis County, Texas;

THENCE continuing with the east line of said 167.748 acre tract, the following three (3) courses and distances:

1. North $62^{\circ}14'19''$ West, with the north line of said 2.99 acre tract, a distance of 361.02 feet to a 1/2" rebar found for the northwest corner of said 2.99 acre tract;
2. South $27^{\circ}25'52''$ West, with the west line of said 2.99 acre tract, a distance of 360.78 feet to a 1/2" rebar found for the southwest corner of said 2.99 acre tract;

3. South $62^{\circ}14'19''$ East, with the south line of said 2.99 acre tract, a distance of 361.65 feet to a 1/2" rebar with Chaparral cap found in the west right-of-way line of F.M. 1625, for the southeast corner of said 2.99 acre tract;

THENCE with the west right-of-way line of F.M. 1625, same being the east line of said 167.748 acre tract, the following two (2) courses and distances:

1. South $27^{\circ}19'52''$ West, a distance of 361.72 feet to a 1/2" rebar with Chaparral cap found 40 feet right of engineers' centerline station 82+17.1;
2. South $27^{\circ}11'52''$ West, a distance of 434.71 feet to the POINT OF BEGINNING, containing 339.352 acres of land, more or less.

SAVE AND EXCEPT 2.495 ACRES:

BEING ALL OF LOT 1, J. P. COTMAN ADDITION, A SUBDIVISION OF RECORD IN VOLUME 79, PAGE 60 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, CONVEYED TO JUAN YESCAS AND MARIA R. YESCAS IN A WARRANTY DEED, DATED DECEMBER 30, 2004 AND RECORDED IN DOCUMENT NO. 2004242191 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 2.495 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1" iron pipe found in the west right-of-way line of Sassman Road, for the southeast corner of said Lot 1, same being the east corner of said 7.602 acre tract;

THENCE North $63^{\circ}13'21''$ West, with the south line of said Lot 1, same being the north line of said 7.602 acre tract, a distance of 543.90 feet to a 1/2" rebar found for the southwest corner of said Lot 1;

THENCE North $26^{\circ}45'39''$ East, with the west line of said Lot 1, same being the east line of said 7.602 acre tract, a distance of 199.86 feet to a 1/2" rebar found for the northwest corner of said Lot 1, same being an angle point in the north line of said 7.602 acre tract, also being in the south line of said 23.694 acre tract;

THENCE South $63^{\circ}13'21''$ East, with the north line of said Lot 1, same being the south line of said 23.694 acre tract, a distance of 543.89 feet to a 1/2" rebar with Chaparral cap found in the west right-of-way line of Sassman Road, for the northeast corner of said Lot 1, same being the southeast corner of said 23.694 acre tract;

THENCE South $26^{\circ}45'21''$ West, with the west right-of-way line of Sassman Road, same being the east line of said Lot 1, a distance of 199.86 feet to the POINT OF BEGINNING, containing 2.495 acres of land, more or less.

SAVE AND EXCEPT 2.496 ACRES:

BEING ALL OF A 2.50 ACRE TRACT DESCRIBED IN WARRANTY DEED TO MICHAEL L. APPLGATE AND HARMONY D. APPLGATE, DATED NOVEMBER 5, 2003 AND RECORDED IN DOCUMENT NO. 2003261512 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY TEXAS; SAID 2.496 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" rebar found in the north right-of-way line of Sassman Road, for the southeast corner of said 2.50 acre tract, same being an angle point in the south line of said 42.558 acre tract;

THENCE North 63°50'26" West, with the north right-of-way line of Sassman Road, same being the south line of said 2.50 acre tract, a distance of 363.50 feet to a calculated point for the southwest corner of said 2.50 acre tract, same being an angle point in the south line of said 42.558 acre tract;

THENCE with the common line of said 2.50 acre tract and said 42.558 acre tract, the following three (3) courses and distances:

1. North 26°08'47" East, a distance of 299.42 feet to a 1/2" rebar found for the northwest corner of said 2.50 acre tract;
2. South 63°51'04" East, a distance of 362.66 feet to a 1/2" rebar found for the northeast corner of said 2.50 acre tract;
3. South 25°59'08" West, a distance of 299.49 feet to the POINT OF BEGINNING, containing 2.496 acres of land, more or less.

SAVE AND EXCEPT 4.178 ACRES:

BEING ALL OF A 3.213 ACRE TRACT DESCRIBED IN A DEED WITH VENDOR'S LIEN TO MARIO RODRIGUEZ & EMMA RODRIGUEZ, DATED FEBRUARY 4, 1983 AND RECORDED IN VOLUME 7998, PAGE 656 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS AND ALL OF A 1.00 ACRE TRACT DESCRIBED IN A GENERAL WARRANTY DEED TO MARIO RODRIGUEZ AND EMMA RODRIGUEZ, DATED MARCH 3, 2005 AND RECORDED IN DOCUMENT NO. 2005046336 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 4.178 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" rebar found for the southeast corner of said 1.00 acre tract, same being an angle point in the west line of said 167.748 acre tract;

THENCE North 64°32'09" West, with the south line of said 1.00 acre tract, same being the west line of said 167.748 acre tract, a distance of 21.19 feet to a 1/2" rebar with Chaparral cap found for an angle point in the north right-of-way line of Sassman Road, the south line of said 1.00 acre tract, and the west line of said 167.748 acre tract;

THENCE with the north right-of-way line of Sassman Road, same being the south line of said 1.00 acre tract and the south line of said 3.213 acre tract, the following two (2) courses and distances:

1. North 55°52'30" West, a distance of 116.23 feet to a calculated point;
2. North 63°50'26" West, a distance of 281.73 feet to a 1/2" rebar found for the southwest corner of said 3.213 acre tract, same being an angle point in the south line of said 42.558 acre tract;

THENCE with the north line of said 3.213 acre tract, same being the south line of said 42.558 acre tract, the following two (2) courses and distances:

1. North 40°38'03" East, a distance of 528.79 feet to a 1/2" rebar found for the north corner of said 3.213 acre tract;

2. South $61^{\circ}13'19''$ East, a distance of 295.41 feet to a calculated point for the east corner of said 3.213 acre tract, same being the southeast corner of said 42.558 acre tract, also being in the west line of said 167.748 acre tract;

THENCE South $27^{\circ}11'24''$ West, with the west line of said 167.748 acre tract, same being the east line of said 3.213 acre tract and the east line of said 1.00 acre tract, a distance of 514.44 feet to the POINT OF BEGINNING, containing 4.178 acres of land, more or less.

SAVE AND EXCEPT 2.701 ACRES:

BEING ALL OF A 2.701 ACRE TRACT DESCRIBED IN A WARRANTY DEED TO ABACU P. PEREZ, DATED MARCH 19, 2009 AND RECORDED IN DOCUMENT NO. 2009046965 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 2.701 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: BEGINNING at a 1/2" rebar with Chaparral cap found in the south right-of-way line of Sassman Road, for the northeast corner of said 2.701 acre tract, same being the northwest corner of said 98.656 acre tract;

THENCE South $27^{\circ}05'06''$ West, with the east line of said 2.701 acre tract, same being the west line of said 98.656 acre tract, a distance of 672.44 feet to a 1/2" rebar with Chaparral cap found for the southeast corner of said 2.701 acre tract, same being an angle point in the east line of said 51.942 acre tract;

THENCE with the south and west lines of said 2.701 acre tract, same being the east line of said 51.942 acre tract, the following two (2) courses and distances:

1. North $62^{\circ}16'38''$ West, a distance of 175.00 feet to a 1/2" rebar with Chaparral cap found for the southwest corner of said 2.701 acre tract;

2. North $27^{\circ}05'06''$ East, a distance of 672.44 feet to a 1/2" rebar with Chaparral cap found in the south right-of-way line of Sassman Road, for the northwest corner of said 2.701 acre tract, same being the northeast corner of said 51.942 acre tract;

THENCE South $62^{\circ}16'38''$ East, with the south right-of-way line of Sassman Road, same being the north line of said 2.701 acre tract, a distance of 175.00 feet to the POINT OF BEGINNING, containing 2.701 acres of land, more or less.

SECTION 3. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2011.

**HB 232 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Cain called up with senate amendments for consideration at this time,

HB 232, A bill to be entitled An Act relating to the amendment of restrictions affecting real property in certain subdivisions.

Representative Cain moved to concur in the senate amendments to **HB 232**.

The motion to concur in the senate amendments to **HB 232** prevailed by (Record 1572): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; 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; 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; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Riddle; 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; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Burnam; Garza; Miles; Price.

Senate Committee Substitute

CSHB 232, A bill to be entitled An Act relating to the amendment of restrictions affecting real property in certain subdivisions.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 211.001(4), Property Code, is amended to read as follows:

(4) "Residential real estate subdivision" or "subdivision" means all land encompassed within one or more maps or plats of land that is divided into two or more parts if:

(A) the maps or plats cover land all or part of which [that] is not located within a municipality and:

(i) for a county with a population of less than 65,000, is not located [or] within the extraterritorial jurisdiction of a municipality; or

(ii) for a county with a population of at least 65,000 and less than 135,000, is located wholly within the extraterritorial jurisdiction of a municipality;

(B) the land encompassed within the maps or plats is or was burdened by restrictions limiting all or at least a majority of the land area covered by the map or plat, excluding streets and public areas, to residential use only; and

(C) all instruments creating the restrictions are recorded in the deed or real property records of a county.

SECTION 2. Section 211.002, Property Code, is amended by amending Subsection (a) and adding Subsections (b-1) and (d) to read as follows:

(a) This chapter applies only to a residential real estate subdivision or any unit or parcel of a subdivision:

(1) all or part of which is located [in whole or in part] within an unincorporated area of a county if the county has a population of less than 65,000; or

(2) all of which is located within the extraterritorial jurisdiction of a municipality located in a county that has a population of at least 65,000 and less than 135,000.

(b-1) In addition to restrictions and units or parcels of a subdivision that are subject to this chapter under Subsection (b), this chapter applies to restrictions that affect real property within a residential real estate subdivision or any units or parcels of the subdivision and that, by the express terms of the instrument creating the restrictions, provide that amendments to the restrictions are not operative or effective until a specified date or the expiration of a specified period. An amendment under this chapter of a restriction described by this subsection is effective as provided by this chapter, regardless of whether the date specified in the restrictions has occurred or the period prescribed by the restrictions has expired. This subsection expires September 1, 2015.

(d) An amendment of a restriction under this chapter is effective on the filing of an instrument reflecting the amendment in the real property records of each county in which all or part of the subdivision is located after the approval of the owners in accordance with the amendment procedure adopted under Section 211.004.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2011.

**HB 362 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

Representative Solomons called up with senate amendments for consideration at this time,

HB 362, A bill to be entitled An Act relating to the regulation by a property owners' association of the installation of solar energy devices and certain roofing materials on property.

Representative Solomons moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 362**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 362**: Solomons, chair; Bohac, Deshotel, Giddings, and Orr.

HR 2614 - ADOPTED
(by McClendon)

Representative McClendon moved to suspend all necessary rules to take up and consider at this time **HR 2614**.

The motion prevailed.

The following resolution was laid before the house:

HR 2614, Commending Joshua Levine for his service as an intern in the office of State Representative Ruth Jones McClendon.

HR 2614 was adopted.

HR 2613 - ADOPTED
(by McClendon)

Representative McClendon moved to suspend all necessary rules to take up and consider at this time **HR 2613**.

The motion prevailed.

The following resolution was laid before the house:

HR 2613, Commending Kori Hattemer for her service as an intern in the office of State Representative Ruth Jones McClendon.

HR 2613 was adopted.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business:

Christian on motion of S. Miller.

RESOLUTIONS ADOPTED

Representative V. Taylor moved to suspend all necessary rules to take up and consider at this time **HR 2156 - HR 2160** and **HR 2291**.

The motion prevailed.

The following resolutions were laid before the house:

HR 2156 (by V. Taylor), Commending Drinda Randall for her service as district director for State Representative Van Taylor.

HR 2157 (by V. Taylor), Commending James Zhu for his service as an intern in the office of State Representative Van Taylor.

HR 2158 (by V. Taylor, et al.), Commending Rachel Pace for her service as an intern in the office of State Representative Van Taylor.

HR 2159 (by V. Taylor, et al.), Commending Jordan Williford for her service as a legislative aide in the office of State Representative Van Taylor.

HR 2160 (by V. Taylor, et al.), Commending Madeleine Bell for her service as a scheduler and legislative aide in the office of State Representative Van Taylor.

HR 2291 (by V. Taylor), Commending Thomas Fulton for his service as an intern in the office of State Representative Van Taylor.

The resolutions were adopted.

HB 2853 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative J. Davis called up with senate amendments for consideration at this time,

HB 2853, A bill to be entitled An Act relating to tax increment financing.

Representative J. Davis moved to concur in the senate amendments to **HB 2853**.

The motion to concur in the senate amendments to **HB 2853** prevailed by (Record 1573): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycocock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Castro; Chisum; 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; 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; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Riddle; 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.

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

Absent, Excused — Burnam; Christian; Garza; Miles; Price.

Absent — Woolley.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1573. I intended to vote no.

Aycock

I was shown voting yes on Record No. 1573. I intended to vote no.

Hochberg

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 2853** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in amended Section 311.002(1), Tax Code (page 1, lines 58 and 59), strike Paragraph (K).

(2) In SECTION 1 of the bill, in amended Section 311.002(1), Tax Code (page 1, line 60), strike "(L)" and substitute "(K)".

(3) In SECTION 1 of the bill, in amended Section 311.002(1), Tax Code (page 1, line 64), strike "(M)" and substitute "(L)".

(4) In SECTION 3 of the bill, in amended Section 311.005(a), Tax Code (page 2, lines 40 and 41), strike "open, undeveloped, or underdeveloped" and substitute "open or undeveloped".

(5) In SECTION 10 of the bill, in amended Section 311.010(h), Tax Code (page 5, lines 23-25), strike "~~[from the tax increment fund of the zone in an aggregate amount not to exceed the amount of the tax increment produced by the municipality and paid into the tax increment fund for the zone]~~" and substitute "from the tax increment fund of the zone in an aggregate amount not to exceed the amount of the tax increment produced by the municipality and paid into the tax increment fund for the zone".

(6) In SECTION 11 of the bill, in amended Section 311.011, Tax Code (page 5, lines 45-55), strike Subsection (b) and substitute the following:

(b) The project plan must include:

(1) a description and map showing existing uses and conditions of real property in the zone and ~~[a map showing]~~ proposed ~~[improvements to and proposed]~~ uses of that property;

(2) proposed changes of zoning ordinances, the master plan of the municipality, building codes, other municipal ordinances, and subdivision rules and regulations, if any, of the county, if applicable;

(3) a list of estimated nonproject costs; and

(4) a statement of a method of relocating persons to be displaced, if any, as a result of implementing the plan.

(7) In SECTION 11 of the bill, in amended Section 311.011(c)(3), Tax Code (page 5, line 63), strike "~~[an economic feasibility study]~~;" and substitute "and an economic feasibility study;".

(8) In SECTION 11 of the bill, in added Section 311.011(h), Tax Code (page 6, line 37), between "items" and the period, insert ", but the amounts contained in the project plan or reinvestment zone financing plan may not vary materially from the estimates".

(9) Strike SECTION 14 of the bill, amending Section 311.014(b), Tax Code (page 7, lines 29-36).

(10) In SECTION 15 of the bill, in amended Section 311.015(a), Tax Code (page 7, lines 42 and 43), strike "311.010(b), to make payments pursuant to programs under Section 311.010(h)" and substitute "311.010(b)".

(11) In SECTION 19 of the bill, in proposed Section 311.021(a)(1), Tax Code (page 8, line 33), strike "second" and substitute "third".

(12) Renumber the SECTIONS of the bill accordingly.

Senate Amendment No. 2 (Senate Floor Amendment No. 2)

Amend **HB 2853** (senate committee printing) by striking SECTION 17 of the bill (page 8, lines 3-10) and substituting the following:

SECTION 17. Section 311.016(b), Tax Code, as amended by Chapters 977 (**HB 1820**) and 1094 (**HB 2120**), Acts of the 79th Legislature, Regular Session, 2005, is reenacted and amended to read as follows:

(b) The municipality or county shall send a copy of a report made under this section to[:

~~[(1) the attorney general; and~~

~~[(2)] the comptroller.~~

HB 1000 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

Representative Branch called up with senate amendments for consideration at this time,

HB 1000, A bill to be entitled An Act relating to the distribution of money appropriated from the national research university fund and to one or more audits of certain general academic teaching institutions in connection with that distribution; making an appropriation.

Representative Branch moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 1000**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1000**: Branch, chair; Madden, Geren, Johnson, and Button.

HB 2194 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

Representative L. Taylor called up with senate amendments for consideration at this time,

HB 2194, A bill to be entitled An Act relating to the conduct and administration of elections and of state conventions of political parties.

Representative L. Taylor moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 2194**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 2194**: L. Taylor, chair; S. Davis, Farias, P. King, and Peña.

**HB 2909 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Branch called up with senate amendments for consideration at this time,

HB 2909, A bill to be entitled An Act relating to increasing awareness in this state of the importance of higher education.

(Keffer in the chair)

Representative Branch moved to concur in the senate amendments to **HB 2909**.

The motion to concur in the senate amendments to **HB 2909** prevailed by (Record 1574): 139 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Castro; Chisum; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; 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.; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer(C); King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Davis, J.

Absent, Excused — Burnam; Christian; Garza; Miles; Price.

Absent — Huberty; Lyne; Smith, T.; Vo.

Senate Committee Substitute

CSHB 2909, A bill to be entitled An Act relating to increasing awareness in this state of the importance of higher education.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Section 29.911, Education Code, is amended to read as follows:

Sec. 29.911. GENERATION TEXAS [~~“EDUCATION: GO GET IT”~~] WEEK.

SECTION 2. Sections 29.911(a) and (b), Education Code, are amended to read as follows:

(a) To educate middle school, junior high school, and high school students about the importance of higher education, each school district and each open-enrollment charter school offering any of those grade levels shall designate one week during the school year as Generation Texas [~~“Education: Go Get It”~~] Week.

(b) During the designated week, each middle school, junior high school, and high school shall provide students with comprehensive grade-appropriate information regarding the pursuit of higher education. The information provided must include information regarding:

(1) higher education options available to students;
 (2) standard admission requirements for institutions of higher education, including:

(A) overall high school grade point average;
 (B) required curriculum; [~~and~~]
 (C) college readiness standards and expectations as determined under Section 28.008; and

(D) scores necessary on generally recognized tests or assessment instruments used in admissions determinations, including the Scholastic Assessment Test and the American College Test;

(3) automatic admission of certain students to general academic teaching institutions as provided by Section 51.803; and

(4) financial aid availability and requirements, including the financial aid information provided by counselors under Section 33.007(b).

SECTION 3. Section 61.076(c), Education Code, is amended to read as follows:

(c) The co-chairs may appoint six [~~three~~] additional members who are education professionals, agency representatives, business representatives, or other members of the community. Members appointed to the council under this subsection serve two-year terms expiring February 1 of each odd-numbered year.

SECTION 4. Section 61.9701(b), Education Code, is amended to read as follows:

(b) The campaign must [~~may~~] include the provision of information on:
 (1) the benefits of obtaining a postsecondary education;
 (2) the types of institutions of higher education and degree programs available;

(3) the academic preparation needed to successfully pursue a postsecondary education as determined under Section 28.008 and any other requirements for enrollment at an institution of higher education; and

(4) how to obtain financial aid and what forms of financial aid are available.

SECTION 5. Section 61.9703, Education Code, is amended to read as follows:

Sec. 61.9703. COORDINATION WITH OTHER ENTITIES [~~AGENCIES~~]. The board shall ~~may~~ coordinate with the Texas Education Agency, the P-16 Council established under Section 61.076, and other appropriate entities, including regional P-16 councils and businesses, to [agencies as necessary to develop and] implement the public awareness campaign.

SECTION 6. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2011.

HCR 173 - ADOPTED
(by Thompson)

The following privileged resolution was laid before the house:

HCR 173

WHEREAS, **HB 1451** has been adopted by the house of representatives and the senate and is being prepared for enrollment; and

WHEREAS, The bill contains technical errors that should be corrected; now, therefore, be it

RESOLVED by the 82nd Legislature of the State of Texas, That the enrolling clerk of the house of representatives be instructed to correct **HB 1451** as follows:

(1) In added Section 802.002(17), Occupations Code, strike "802.062" and substitute "802.061".

(2) In added Section 802.064, Occupations Code, strike "802.063 or 802.103 or an investigation under Section 802.064" and substitute "802.062 or 802.103 or an investigation under Section 802.063".

(3) In SECTION 3 of the bill, strike "802.066" and substitute "802.065".

HCR 173 was adopted by (Record 1575): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Castro; Chisum; 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; 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; 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; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; 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; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Burnam; Christian; Garza; Miles; Price.

Absent — Hancock.

HB 2004 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative L. Taylor called up with senate amendments for consideration at this time,

HB 2004, A bill to be entitled An Act relating to the sale of certain state property in Brazoria County by the Texas Board of Criminal Justice.

Representative L. Taylor moved to concur in the senate amendments to **HB 2004**.

The motion to concur in the senate amendments to **HB 2004** prevailed by (Record 1576): 143 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Castro; Chisum; 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; 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; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; 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; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Burnam; Christian; Garza; Miles; Price.

Senate Committee Substitute

CSHB 2004, A bill to be entitled An Act relating to the sale of certain state property in Brazoria County by the Texas Board of Criminal Justice.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. (a) Not later than December 31, 2011, the Texas Board of Criminal Justice shall sell the real property described by Subsection (c) of this section if the board receives a bid of at least \$5.5 million for the property.

(b) The Texas Board of Criminal Justice shall sell the property as provided by Section 496.0021, Government Code. The General Land Office shall negotiate and close a transaction involving the real property described by this section on behalf of the board using the procedures under Section 31.158, Natural Resources Code. The sale shall exclude the mineral interests in and under the property, and the deed shall contain a provision expressly reserving the state's interest in and right to remove all oil, gas, and other minerals in and under the real property described by Subsection (c) of this section.

(c) The Texas Board of Criminal Justice shall sell the real property described as follows:

Approximately 2,200 acres, more or less, being part of that 2682 acre tract or parcel of land conveyed to the Prison Commission of the State of Texas as recorded in Book 145, Page 307 of the Deed Records Brazoria County, Texas, said 2,200 acres, more or less, being out of the Stephen Richardson League, Abstract 122 and the William Harris League, Abstract 71 in Brazoria County, Texas near Angleton, Texas, bounded by the Brazos River to the West, the southern boundary being the northern boundary of a tract of parcel of land conveyed to The Dow Chemical Company as recorded as Volume 453, Page 607 of the Deed Records of Brazoria County, Texas and bounded on the north and east by the remainder of the called 2682 acre tract or parcel of land.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2011.

**HB 2549 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

Representative Crossover called up with senate amendments for consideration at this time,

HB 2549, A bill to be entitled An Act relating to the authority of a state employee to authorize a deduction from the employee's salary or wage payment for a charitable contribution to certain entities.

Representative Crossover moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 2549**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 2549**: Crownover, chair; L. Taylor, J. Davis, Lewis, and McClendon.

HB 2596 - HOUSE CONCURS IN SENATE AMENDMENTS

TEXT OF SENATE AMENDMENTS

Representative Aliseda called up with senate amendments for consideration at this time,

HB 2596, A bill to be entitled An Act relating to the authority of local governments to set speed limits on certain roadways.

Representative Aliseda moved to concur in the senate amendments to **HB 2596**.

The motion to concur in the senate amendments to **HB 2596** prevailed by (Record 1577): 141 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Castro; Chisum; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; 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; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; 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; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Burnam; Christian; Garza; Miles; Price.

Absent — Eiland; Hartnett.

Senate Committee Substitute

CSHB 2596, A bill to be entitled An Act relating to the authority of certain municipalities to lower speed limits on certain highways.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 545.356, Transportation Code, is amended by amending Subsections (b-1), (c), and (d) and adding Subsection (b-3) to read as follows:

(b-1) Except as provided by Subsection (b-3), the [The] governing body of a municipality, for a highway or a part of a highway in the municipality that is not an officially designated or marked highway or road of the state highway system, may declare a lower speed limit of not less than 25 miles per hour, if the governing body determines that the prima facie speed limit on the highway is unreasonable or unsafe.

(b-3) The governing body of a municipality with a population of 2,000 or less, for a highway or a part of a highway in the municipality that is a one-lane highway used for two-way access and that is not an officially designated or marked highway or road of the state highway system, may declare a lower speed limit of not less than 10 miles per hour, if the governing body determines that the prima facie speed limit on the highway is unreasonable or unsafe.

(c) A prima facie speed limit that is altered by the governing body of a municipality under Subsection (b), ~~or~~ (b-1), or (b-3) is effective when the governing body erects signs giving notice of the new limit and at all times or at other times as determined.

(d) The governing body of a municipality that declares a lower speed limit on a highway or part of a highway under Subsection (b-1) or (b-3), not later than February 1 of each year, shall publish on its Internet website and submit to the department a report that compares for each of the two previous calendar years:

(1) the number of traffic citations issued by peace officers of the municipality and the alleged speed of the vehicles, for speed limit violations on the highway or part of the highway;

(2) the number of warning citations issued by peace officers of the municipality on the highway or part of the highway; and

(3) the number of vehicular accidents that resulted in injury or death and were attributable to speed limit violations on the highway or part of the highway.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2011.

**HB 2847 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

Representative Madden called up with senate amendments for consideration at this time,

HB 2847, A bill to be entitled An Act relating to the use of video teleconferencing systems in certain criminal proceedings.

Representative Madden moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 2847**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 2847**: Madden, chair; Button, Carter, V. Taylor, and Lozano.

**HB 2857 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Gallego called up with senate amendments for consideration at this time,

HB 2857, A bill to be entitled An Act relating to regulation of outdoor lighting in certain areas; providing a criminal penalty and for injunctive relief.

Representative Gallego moved to concur in the senate amendments to **HB 2857**.

The motion to concur in the senate amendments to **HB 2857** prevailed by (Record 1578): 141 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Castro; Chisum; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; 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; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Pickett; Pitts; 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; Woolley; Workman; Zedler; Zerwas.

Nays — Phillips.

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

Absent, Excused — Burnam; Christian; Garza; Miles; Price.

Absent — Eiland.

Senate Committee Substitute

CSHB 2857, A bill to be entitled An Act relating to regulation of outdoor lighting in certain areas; providing a criminal penalty and for injunctive relief.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 229, Local Government Code, is amended by adding Subchapter B to read as follows:

SUBCHAPTER B. REGULATION OF OUTDOOR LIGHTING

Sec. 229.051. DEFINITIONS. In this subchapter, "major astronomical observatory" and "outdoor lighting" have the meanings assigned by Section 240.031.

Sec. 229.052. APPLICABILITY. (a) This subchapter applies to a municipality located in a county any part of which is located within 57 miles of a major astronomical observatory at the McDonald Observatory.

(b) This subchapter does not apply to:

(1) outdoor lighting in existence or under construction on January 1, 2012; or

(2) the installation, maintenance, repair, or replacement of outdoor lighting owned or operated by an electric utility as defined by Section 31.002, Utilities Code.

Sec. 229.053. REGULATION OF OUTDOOR LIGHTING. (a) The governing body of a municipality by ordinance shall regulate the installation and use of outdoor lighting.

(b) An ordinance adopted under this section must be designed to protect against the use of outdoor lighting in a way that interferes with scientific astronomical research of an observatory.

(c) In the ordinance, the governing body may:

(1) require that a permit be obtained from the municipality before the installation and use of certain types of outdoor lighting in a regulated area;

(2) establish a fee in an amount to cover the costs of administering the issuance of the permit;

(3) prohibit the use of a type of outdoor lighting that is incompatible with the effective use of an observatory;

(4) establish requirements for the shielding of outdoor lighting; and

(5) regulate the times during which certain types of outdoor lighting may be used.

(d) The governing body may apply more stringent standards for areas in which the use of outdoor lighting has a greater impact on observatory activities.

(e) The governing body may adopt an ordinance under this section only after conducting a public hearing on the proposed ordinance. The governing body shall give at least two weeks' public notice of the hearing.

Sec. 229.054. REGULATION OF SUBDIVISIONS. (a) The governing body of a municipality by ordinance shall establish standards relating to proposed subdivisions to minimize the interference with observatory activities caused by outdoor lighting.

(b) The governing body may not approve a subdivision plat unless the plat provides that outdoor lighting will comply with standards adopted under this section.

Sec. 229.055. ENFORCEMENT; PENALTY. (a) A municipality may sue in any court to enjoin a violation of this subchapter.

(b) A person who violates an ordinance adopted under this subchapter commits an offense. An offense under this section is a Class C misdemeanor.

SECTION 2. Section 240.032(a), Local Government Code, is amended to read as follows:

(a) ~~The [On the request of the director of McDonald Observatory, the]~~ commissioners court of a county, any part of which is located within 57 miles of a major astronomical observatory at the McDonald Observatory, shall [may] adopt orders regulating the installation and use of outdoor lighting in any unincorporated territory of the county.

SECTION 3. Section 240.033, Local Government Code, is amended by amending Subsection (b) and adding Subsections (c) and (d) to read as follows:

(b) The commissioners court of a county, any part of which is located within 57 miles of a major astronomical observatory at the McDonald Observatory, shall adopt orders establishing standards relating to proposed subdivisions to minimize the interference with observatory activities caused by outdoor lighting.

(c) The commissioners court of a county, any part of which is located ~~[or]~~ within five miles of a major astronomical observatory at the George Observatory or the Stephen F. Austin State University Observatory, may adopt orders establishing standards relating to proposed subdivisions ~~[in order]~~ to minimize the interference with observatory activities caused by outdoor lighting.

(d) A [The] commissioners court that adopts orders under this section may not approve a plat of a proposed subdivision that does not meet the standards established in the orders.

SECTION 4. Chapter 229, Local Government Code, is amended by designating Sections 229.001, 229.002, and 229.003 as Subchapter A and adding a heading for Subchapter A to read as follows:

SUBCHAPTER A. REGULATION OF FIREARMS AND EXPLOSIVES

SECTION 5. Section 240.031(3), Local Government Code, is repealed.

SECTION 6. This Act takes effect January 1, 2012.

**HB 3771 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Crownover called up with senate amendments for consideration at this time,

HB 3771, A bill to be entitled An Act relating to the authority of the Texas Department of Transportation to approve safety standards for high-speed rail; authorizing a fee.

Representative Crownover moved to concur in the senate amendments to **HB 3771**.

The motion to concur in the senate amendments to **HB 3771** prevailed by (Record 1579): 91 Yeas, 47 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Berman; Bohac; Branch; Chisum; Coleman; Craddick; Crownover; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Farias; Farrar; Flynn; Gallego; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hamilton; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hochberg;

Hopson; Howard, C.; Howard, D.; Hunter; Isaac; Jackson; Johnson; King, P.; King, S.; King, T.; Kuempel; Lozano; Lucio; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Otto; Peña; Phillips; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Rodriguez; Schwertner; Scott; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Zerwas.

Nays — Anderson, C.; Anderson, R.; Aycock; Beck; Bonnen; Brown; Button; Cain; Callegari; Carter; Cook; Creighton; Darby; Elkins; Fletcher; Frullo; Gooden; Hancock; Hilderbran; Huberty; Hughes; Kleinschmidt; Kolkhorst; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Madden; Miller, D.; Miller, S.; Orr; Parker; Patrick; Paxton; Perry; Riddle; Sheets; Sheffield; Shelton; Taylor, V.; Weber; White; Woolley; Workman; Zedler.

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

Absent, Excused — Burnam; Christian; Garza; Miles; Price.

Absent — Burkett; Castro; Davis, S.; Lyne; Ritter.

STATEMENTS OF VOTE

When Record No. 1579 was taken, I was in the house but away from my desk. I would have voted yes.

S. Davis

When Record No. 1579 was taken, I was in the house but away from my desk. I would have voted no.

Lyne

I was shown voting yes on Record No. 1579. I intended to vote no.

Solomons

Senate Committee Substitute

CSHB 3771, A bill to be entitled An Act relating to the authority of the Texas Department of Transportation to adopt safety standards for high-speed rail.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter C, Chapter 111, Transportation Code, is amended by adding Section 111.103 to read as follows:

Sec. 111.103. HIGH-SPEED RAIL SAFETY STANDARDS. (a) For the purposes of this section, "high-speed rail" means passenger rail service capable of operating at speeds greater than 185 miles per hour.

(b) On application by a railroad company, the department by rule may adopt safety standards for high-speed rail systems, including rolling stock, for that railroad company.

(c) In adopting safety standards under Subsection (b), the department:

(1) shall consider the safety records of high-speed rail systems, including rolling stock, operated in countries with a history of safe high-speed rail service; and

(2) may require the railroad company to construct grade separations or physical barriers to isolate the railroad company's high-speed rail systems from streets, roadways, or existing freight or passenger railroads.

(d) A railroad company is not required to submit an application to the department under Subsection (b) if the railroad company is operating under safety standards approved by the Federal Railroad Administration or another federal agency.

(c) The department by rule shall impose a reasonable fee on a railroad company that submits an application under Subsection (b) to recover costs incurred by the department in administering this section.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2011.

**HB 6 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

Representative Eissler called up with senate amendments for consideration at this time,

HB 6, A bill to be entitled An Act relating to the foundation curriculum, the establishment of the instructional materials allotment, and the adoption, review, and purchase of instructional materials and technological equipment for public schools.

Representative Eissler moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 6**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 6**: Eissler, chair; Huberty, Strama, Hochberg, and Branch.

**HR 2386 - ADOPTED
(by V. Gonzales)**

Representative V. Gonzales moved to suspend all necessary rules to take up and consider at this time **HR 2386**.

The motion prevailed.

The following resolution was laid before the house:

HR 2386, Congratulating State Representative Jessica Farrar on her graduation from The University of Texas School of Law.

HR 2386 was read and was adopted.

On motion of the chair, the names of all the members of the house were added to **HR 2386** as signers thereof.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 4).

COMMITTEE GRANTED PERMISSION TO MEET

Representative McClendon requested permission for the Committee on Rules and Resolutions to meet while the house is in session, at 5 p.m. today, in 3W.9, to set a calendar.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Rules and Resolutions, 5 p.m. today, 3W.9, for a formal meeting, to set a calendar.

**HR 2555 - ADOPTED
(by Thompson)**

Representative Thompson moved to suspend all necessary rules to take up and consider at this time **HR 2555**.

The motion prevailed.

The following resolution was laid before the house:

HR 2555, Commending Steven E. Simmons for his service to the Texas Department of Transportation.

HR 2555 was adopted.

On motion of Representative Phillips, the names of all the members of the house were added to **HR 2555** as signers thereof.

**HB 3691 - HOUSE DISCHARGES CONFEREES
HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Gallego called up with senate amendments for consideration at this time,

HB 3691, A bill to be entitled An Act relating to the provision by certain judges or community supervision and corrections departments of certain programs and services, including certain pretrial programs and services, and to the imposition of certain sanctions against defendants supervised by those departments.

Representative Gallego moved to discharge the conferees and concur in the senate amendments to **HB 3691**.

The motion to discharge the conferees and concur in the senate amendments to **HB 3691** prevailed by (Record 1580): 140 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Castro; Chisum; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; 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; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; 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; Woolley; Workman; Zedler; Zerwas.

Nays — Carter.

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

Absent, Excused — Burnam; Christian; Garza; Miles; Price.

Absent — Alonzo; Dutton.

STATEMENT OF VOTE

I was shown voting no on Record No. 1580. I intended to vote yes.

Carter

Senate Committee Substitute

CSHB 3691, A bill to be entitled An Act relating to community supervision and corrections departments and community justice plans.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 76.002, Government Code, is amended by amending Subsection (e) and adding Subsection (f) to read as follows:

(e) The board shall ~~may~~ adopt rules allowing departments to contract with one another for services or facilities or to contract as provided by Subsection (f).

(f) In lieu of establishing a department as required by Subsection (a), programs and services may be provided under this chapter in a judicial district through a contract with a department established for another judicial district.

SECTION 2. Section 76.003(b), Government Code, is amended to read as follows:

(b) A council should consist of the following persons or their designees:

(1) a sheriff of a county served by the department, chosen by the sheriffs of the counties to be served by the department;

(2) a county commissioner or a county judge from a county served by the department, chosen by the county commissioners and county judges of the counties served by the department;

(3) a city council member of the most populous municipality in a county served by the department, chosen by the members of the city councils of cities served by the department;

(4) not more than two state legislators elected from a county served by the department, or in a county with a population of one million or more to be served by the department, not more than one state senator and one state representative elected from the county, chosen by the state legislators elected from the county or counties served by the department;

(5) the presiding judge from a judicial district served by the department, chosen by the district judges from the judicial districts served by the department;

(6) a judge of a statutory county court exercising criminal jurisdiction in a county served by the department, chosen by the judges of statutory county courts with criminal jurisdiction in the counties served by the department;

(7) a county attorney with criminal jurisdiction from a county served by the department, chosen by the county attorneys with criminal jurisdiction from the counties served by the department;

(8) a district attorney or criminal district attorney from a judicial district served by the department, chosen by the district attorneys or criminal district attorneys from the judicial districts served by the department; ~~and~~

(9) an elected member of the board of trustees of an independent school district in a county served by the department, chosen by the members of the boards of trustees of independent school districts located in counties served by the department; and

(10) the department director.

SECTION 3. Chapter 492, Government Code, is amended by adding Section 492.017 to read as follows:

Sec. 492.017. LEGISLATIVE APPROPRIATIONS REQUEST. (a) The board shall require the department to submit each legislative appropriations request, accompanied by the most recent report prepared by the community justice assistance division of the department under Section 509.004(c), to the board for approval before the department submits the appropriations request to the Legislative Budget Board.

(b) In deciding whether to approve a legislative appropriations request submitted under Subsection (a), the board shall consider the most recent report prepared by the community justice assistance division of the department under Section 509.004(c).

SECTION 4. Chapter 493, Government Code, is amended by adding Section 493.0081 to read as follows:

Sec. 493.0081. LEGISLATIVE APPROPRIATIONS REQUEST. The department shall include in each legislative appropriations request submitted to the Legislative Budget Board the information contained in the most recent report prepared by the community justice assistance division under Section 509.004(c).

SECTION 5. Section 509.004, Government Code, is amended by adding Subsections (c), (d), and (e) to read as follows:

(c) The division shall prepare a report that contains a detailed summary of the programs and services provided by departments, as described in each community justice plan submitted to the division under Section 509.007. The report must include:

(1) all financial information relating to the programs and services described in each community justice plan; and

(2) information concerning the amount of state aid and funding that is not state aid used to support each program or service provided by a department.

(d) As soon as is practicable after the completion of the report, the division shall submit the report prepared under Subsection (c) to the Texas Board of Criminal Justice and the executive director of the Texas Department of Criminal Justice.

(e) Not later than the date on which the Texas Department of Criminal Justice is required to submit the department's legislative appropriations request to the Legislative Budget Board, the division shall submit the report prepared under Subsection (c) to the Legislative Budget Board.

SECTION 6. Section 509.007, Government Code, is amended to read as follows:

Sec. 509.007. COMMUNITY JUSTICE PLAN. (a) The division shall require as a condition to payment of state aid to a department or county under Section 509.011 and eligibility for payment of costs under Section 499.124 that a community justice plan be submitted for the department. The community justice council shall submit the plan required by this subsection. A community justice council may not submit a plan under this section unless the plan is first approved by the judges described by Section 76.002 who established the department served by the council. The council shall submit a revised plan to the division each even-numbered ~~odd-numbered~~ year not later than March 1 ~~[by a date designated by the division]~~. A plan may be amended at any time with the approval of the division.

(b) A community justice plan required under this section must include:

(1) a statement of goals and priorities and of commitment by the community justice council, the judges described by Section 76.002 who established the department, and the department director to achieve a targeted level of alternative sanctions;

(2) a description of methods for measuring the success of programs provided by the department or provided by an entity served by the department; ~~and~~

(3) a proposal for the use of state jail felony facilities and, at the discretion of the community justice council, a regional proposal for the construction, operation, maintenance, or management of a state jail felony facility by a county, a community supervision and corrections department, or a private vendor under a contract with a county or a community supervision and corrections department;

(4) a description of the programs and services the department provides or intends to provide, including a separate description of any programs or services the department intends to provide to enhance public safety, reduce recidivism, strengthen the investigation and prosecution of criminal offenses, improve programs and services available to victims of crime, and increase the amount of restitution collected from persons supervised by the department; and

(5) an outline of the department's projected programmatic and budgetary needs, based on the programs and services the department both provides and intends to provide.

SECTION 7. Chapter 509, Government Code, is amended by adding Section 509.0071 to read as follows:

Sec. 509.0071. COMMITMENT REDUCTION PLAN. (a) In addition to submitting a community justice plan to the division under Section 509.007, a department or a regional partnership of departments may submit a commitment reduction plan to the division not later than the 60th day after the date on which the time for gubernatorial action on the state budget has expired under Section 14, Article IV, Texas Constitution.

(b) A commitment reduction plan submitted under this section may contain a request for additional state funding in the manner described by Subsection (e). A commitment reduction plan must contain:

(1) a target number by which the county or counties served by the department or regional partnership of departments will, relative to the number of individuals committed in the preceding state fiscal year from the county or counties to the Texas Department of Criminal Justice for offenses not listed in or described by Section 3g, Article 42.12, Code of Criminal Procedure, reduce that number in the fiscal year for which the commitment reduction plan is submitted by reducing the number of:

(A) direct sentencing commitments;

(B) community supervision revocations; or

(C) direct sentencing commitments and community supervision revocations;

(2) a calculation, based on the most recent Criminal Justice Uniform Cost Report published by the Legislative Budget Board, of the savings to the state that will result from the county or counties reaching the target number described by Subdivision (1);

(3) an explanation of the programs and services the department or regional partnership of departments intends to provide using any funding received under Subsection (e)(1), including any programs or services designed to enhance public safety, reduce recidivism, strengthen the investigation and prosecution of criminal offenses, improve programs and services available to victims of crime, and increase the amount of restitution collected from persons supervised by the department or regional partnership of departments;

(4) a pledge by the department or regional partnership of departments to provide accurate data to the division at the time and in the manner required by the division;

(5) a pledge to repay to the state, not later than the 30th day after the last day of the state fiscal year in which the lump-sum award is made, a percentage of the lump sum received under Subsection (e)(1) that is equal to the percentage by which the county or counties fail to reach the target number described by Subdivision (1), if the county or counties do not reach that target number; and

(6) if the commitment reduction plan is submitted by a regional partnership of departments, an agreement and plan for the receipt, division, and administration of any funding received under Subsection (e).

(c) For purposes of Subsection (b)(5), if the target number contained in the commitment reduction plan is described by Subsection (b)(1)(B), the county or counties fail to reach the target number if the sum of any increase in the number of direct sentencing commitments and any reduction in community supervision revocations is less than the target number contained in the commitment reduction plan.

(d) A pledge described by Subsection (b)(4) or (5) must be signed by:

(1) the director of the department submitting the commitment reduction plan; or

(2) if the commitment reduction plan is submitted by a regional partnership of departments, a director of one of the departments in the regional partnership submitting the commitment reduction plan.

(e) After reviewing a commitment reduction plan, if the division is satisfied that the plan is feasible and would achieve desirable outcomes, the division may award to the department or regional partnership of departments:

(1) a one-time lump sum in an amount equal to 35 percent of the savings to the state described by Subsection (b)(2); and

(2) on a biennial basis, and from the 65 percent of the savings to the state that remains after payment of the lump sum described by Subdivision (1), the following incentive payments for the department's or regional partnership's performance in the two years immediately preceding the payment:

(A) 15 percent, for reducing the percentage of persons supervised by the department or regional partnership of departments who commit a new felony while under supervision;

(B) five percent, for increasing the percentage of persons supervised by the department or regional partnership of departments who are not delinquent in making any restitution payments; and

(C) five percent, for increasing the percentage of persons supervised by the department or regional partnership of departments who are gainfully employed, as determined by the division.

(f) A department or regional partnership of departments may use funds received under Subsection (e) to provide any program or service that a department is authorized to provide under other law, including implementing, administering, and supporting evidence-based community supervision strategies, electronic monitoring, substance abuse and mental health counseling and treatment, specialized community supervision caseloads, intermediate sanctions,

victims' services, restitution collection, short-term incarceration in county jails, specialized courts, pretrial services and intervention programs, and work release and day reporting centers.

(g) Any funds received by a department or regional partnership of departments under Subsection (e):

(1) are in addition to any per capita or formula funding received under Section 509.011; and

(2) may not be deducted from any per capita or formula funding received or to be received by:

(A) another department, if the commitment reduction plan is submitted by a department; or

(B) any department, if the commitment reduction plan is submitted by a regional partnership of departments.

(h) The division shall deduct from future state aid paid to a department, or from any incentive payments under Subsection (e)(2) for which a department is otherwise eligible, an amount equal to the amount of any pledge described by Subsection (b)(5) that remains unpaid on the 31st day after the last day of the state fiscal year in which a lump-sum award is made under Subsection (e)(1). If the lump-sum award was made to a regional partnership of departments, the division shall deduct, in accordance with the agreement and plan described by Subsection (b)(6), the amount of the unpaid pledge from the future state aid to each department that is part of the partnership or from any incentive payments under Subsection (e)(2) for which the regional partnership of departments is otherwise eligible.

SECTION 8. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2011.

HB 2265 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Ritter called up with senate amendments for consideration at this time,

HB 2265, A bill to be entitled An Act relating to a county audit of a hotel regarding the hotel occupancy tax.

Representative Ritter moved to concur in the senate amendments to **HB 2265**.

The motion to concur in the senate amendments to **HB 2265** prevailed by (Record 1581): 98 Yeas, 45 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Berman; Bohac; Callegari; Castro; Chisum; Coleman; Cook; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Flynn; Gallego; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hamilton; Hardcastle; Harless; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hunter; Isaac; Jackson;

Johnson; King, S.; King, T.; Larson; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miller, D.; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Schwertner; Scott; Shelton; Smith, W.; Smithee; Strama; Taylor, L.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Woolley; Workman; Zerwas.

Nays — Anderson, C.; Anderson, R.; Aycock; Beck; Bonnen; Branch; Brown; Burkett; Button; Cain; Carter; Craddick; Creighton; Driver; Fletcher; Frullo; Gooden; Hancock; Harper-Brown; Hughes; King, P.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Laubenberg; Madden; Miller, S.; Morrison; Parker; Patrick; Paxton; Peña; Perry; Phillips; Riddle; Sheets; Sheffield; Simpson; Smith, T.; Solomons; Taylor, V.; Weber; White; Zedler.

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

Absent, Excused — Burnam; Christian; Garza; Miles; Price.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1581. I intended to vote no.

Huberty

I was shown voting no on Record No. 1581. I intended to vote yes.

Solomons

Senate Committee Substitute

CSHB 2265, A bill to be entitled An Act relating to a county audit of a hotel regarding the hotel occupancy tax.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 352, Tax Code, is amended by adding Section 352.006 to read as follows:

Sec. 352.006. AUDIT; ACCESS TO BOOKS AND RECORDS. (a) The county that imposes the tax under this chapter may audit the hotel to determine the amount of taxes due under this chapter.

(b) After the county gives reasonable notice to the hotel that the county intends to inspect the books or records of the hotel, the county may access the hotel's books or records during business hours as necessary to conduct the audit.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2011.

HB 351 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Veasey called up with senate amendments for consideration at this time,

HB 351, A bill to be entitled An Act relating to the expunction of records and files relating to a person's arrest.

Representative Veasey moved to concur in the senate amendments to **HB 351**.

The motion to concur in the senate amendments to **HB 351** prevailed by (Record 1582): 138 Yeas, 0 Nays, 3 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Castro; Chisum; 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; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; King, P.; 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; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Paxton; Peña; Perry; Phillips; Pickett; Pitts; 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; Woolley; Workman; Zedler.

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

Absent, Excused — Burnam; Christian; Garza; Miles; Price.

Absent — Carter; King, S.; Patrick; Zerwas.

STATEMENT OF VOTE

When Record No. 1582 was taken, my vote failed to register. I would have voted yes.

Carter

Senate Committee Substitute

CSHB 351, A bill to be entitled An Act relating to the expunction of records and files relating to a person's arrest.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 55.01, Code of Criminal Procedure, is amended by amending Subsections (a), (a-1), (b), and (c) and adding Subsection (a-2) to read as follows:

(a) A person who has been placed under a custodial or noncustodial arrest for commission of either a felony or misdemeanor is entitled to have all records and files relating to the arrest expunged if:

(1) the person is tried for the offense for which the person was arrested and is:

(A) acquitted by the trial court, except as provided by Subsection (c) [of this section]; or

(B) convicted and subsequently:

(i) pardoned for a reason other than that described by Subparagraph (ii); or

(ii) pardoned or otherwise granted relief on the basis of actual innocence with respect to that offense, if the applicable pardon or court order clearly indicates on its face that the pardon or order was granted or rendered on the basis of the person's actual innocence; or

(2) the person has been released and the charge, if any, has not resulted in a final conviction and is no longer pending and there was no court-ordered community supervision under Article 42.12 for the offense, unless the offense is a Class C misdemeanor, provided that [each of the following conditions exist]:

(A) regardless of whether any statute of limitations exists for the offense and whether any limitations period for the offense has expired, an indictment or information charging the person with the commission of a felony or misdemeanor offense arising out of the transaction for which the person was arrested:

(i) has not been presented against the person at any time following the arrest, and:

(a) at least 180 days have elapsed from the date of arrest if the arrest was for an offense punishable as a Class C misdemeanor;

(b) at least one year has elapsed from the date of arrest if the arrest was for an offense punishable as a Class B or A misdemeanor;

(c) at least three years have elapsed from the date of arrest if the arrest was for an offense punishable as a felony; or

(d) the attorney representing the state certifies that the applicable arrest records and files are not needed for use in any criminal investigation or prosecution, including an investigation or prosecution of another person; or

(ii) [for an offense arising out of the transaction for which the person was arrested or,] if [an indictment or information charging the person with commission of a felony was] presented at any time following the arrest, was[, the indictment or information has been] dismissed or quashed, and[:

(i) the limitations period expired before the date on which a petition for expunction was filed under Article 55.02; or

(ii) the court finds that the indictment or information was dismissed or quashed because the person completed a pretrial intervention program authorized under Section 76.011, Government Code, [or] because the presentment had been made because of mistake, false information, or other similar reason indicating absence of probable cause at the time of the dismissal to believe the person committed the offense, or because the indictment or information [is] was void; or

(B) prosecution of the person for the offense for which the person was arrested is no longer possible because the limitations period has expired [the person has been released and the charge, if any, has not resulted in a final

~~conviction and is no longer pending and there was no court ordered community supervision under Article 42.12 for any offense other than a Class C misdemeanor; and~~

~~[(C) the person has not been convicted of a felony in the five years preceding the date of the arrest].~~

(a-1) Notwithstanding any other provision of this article, a person may not expunge records and files relating to an arrest that occurs pursuant to a warrant issued under Section 21, Article 42.12 ~~[Subsection (a)(2)(C), a person's conviction of a felony in the five years preceding the date of the arrest does not affect the person's entitlement to expunction for purposes of an ex parte petition filed on behalf of the person by the director of the Department of Public Safety under Section 2(e), Article 55.02].~~

(a-2) Notwithstanding any other provision of this article, a person who intentionally or knowingly absconds from the jurisdiction after being released under Chapter 17 following an arrest is not eligible under Subsection (a)(2)(A)(i)(a), (b), or (c) or Subsection (a)(2)(B) for an expunction of the records and files relating to that arrest.

(b) Except as provided by Subsection (c) ~~[of this section]~~, a district court may expunge all records and files relating to the arrest of a person who has been arrested for commission of a felony or misdemeanor under the procedure established under Article 55.02 ~~[of this code]~~ if:

(1) the person is:

~~(A) [(1)]~~ tried for the offense for which the person was arrested;

~~(B) [(2)]~~ convicted of the offense; and

~~(C) [(3)]~~ acquitted by the court of criminal appeals or, if the period for granting a petition for discretionary review has expired, by a court of appeals; or

(2) an office of the attorney representing the state authorized by law to prosecute the offense for which the person was arrested recommends the expunction to the appropriate district court before the person is tried for the offense, regardless of whether an indictment or information has been presented against the person in relation to the offense.

(c) A court may not order the expunction of records and files relating to an arrest for an offense for which a person is subsequently acquitted, whether by the trial court, a court of appeals, or the court of criminal appeals, if the offense for which the person was acquitted arose out of a criminal episode, as defined by Section 3.01, Penal Code, and the person was convicted of or remains subject to prosecution for at least one other offense occurring during the criminal episode.

SECTION 2. Article 55.02, Code of Criminal Procedure, is amended by amending Section 1 and adding Section 1a to read as follows:

Sec. 1. At the request of the defendant and after notice to the state, the trial court presiding over the case in which the defendant was acquitted, if the trial court is a district court, or a district court in the county in which the trial court is located shall enter an order of expunction for a person entitled to expunction under Article 55.01(a)(1)(A) ~~[article 55.01(a)(1)(a)]~~ not later than the 30th day after the date of the acquittal. Upon acquittal, the trial court shall advise the

defendant of the right to expunction. The defendant shall provide to the district court all of the information required in a petition for expunction under Section 2(b). The attorney for the defendant in the case in which the defendant was acquitted, if the defendant was represented by counsel, or the attorney for the state, if the defendant was not represented by counsel, shall prepare the order for the court's signature.

Sec. 1a. (a) The trial court presiding over a case in which a defendant is convicted and subsequently granted relief or pardoned on the basis of actual innocence of the offense of which the defendant was convicted, if the trial court is a district court, or a district court in the county in which the trial court is located shall enter an order of expunction for a person entitled to expunction under Article 55.01(a)(1)(B)(ii) not later than the 30th day after the date the court receives notice of the pardon or other grant of relief. The person shall provide to the district court all of the information required in a petition for expunction under Section 2(b).

(b) The attorney for the state shall:

(1) prepare an expunction order under this section for the court's signature; and

(2) notify the Texas Department of Criminal Justice if the person is in the custody of the department.

(c) The court shall include in an expunction order under this section a listing of each official, agency, or other entity of this state or political subdivision of this state and each private entity that there is reason to believe has any record or file that is subject to the order. The court shall also provide in an expunction order under this section that:

(1) the Texas Department of Criminal Justice shall send to the court the documents delivered to the department under Section 8(a), Article 42.09; and

(2) the Department of Public Safety and the Texas Department of Criminal Justice shall delete or redact, as appropriate, from their public records all index references to the records and files that are subject to the expunction order.

(d) The court shall retain all documents sent to the court under Subsection (c)(1) until the statute of limitations has run for any civil case or proceeding relating to the wrongful imprisonment of the person subject to the expunction order.

SECTION 3. Section 2(a), Article 55.02, Code of Criminal Procedure, is amended to read as follows:

(a) A person who is entitled to expunction of records and files under Article 55.01(a)(1)(B)(i) or 55.01(a)(2) ~~[55.01(a)]~~ or a person who is eligible for expunction of records and files under Article 55.01(b) may file an ex parte petition for expunction in a district court for the county in which:

(1) the petitioner was arrested; or

(2) the offense was alleged to have occurred.

SECTION 4. Section 3(c), Article 55.02, Code of Criminal Procedure, is amended to read as follows:

(c) When the order of expunction is final, the clerk of the court shall send a certified copy of the order to the Crime Records Service of the Department of Public Safety and to each official or agency or other governmental entity of this state or of any political subdivision of this state ~~named in [designated by the person who is the subject of]~~ the order. The certified copy of the order must be sent by secure electronic mail, electronic transmission, or facsimile transmission or otherwise by certified mail, return receipt requested. In sending the order to a governmental entity named in the order ~~[designated by the person]~~, the clerk may elect to substitute hand delivery for certified mail under this subsection, but the clerk must receive a receipt for that hand-delivered order.

SECTION 5. Section 4, Article 55.02, Code of Criminal Procedure, is amended to read as follows:

Sec. 4. (a) If the state establishes that the person who is the subject of an expunction order is still subject to conviction for an offense arising out of the transaction for which the person was arrested because the statute of limitations has not run and there is reasonable cause to believe that the state may proceed against the person for the offense, the court may provide in its expunction order that the law enforcement agency and the prosecuting attorney responsible for investigating the offense may retain any records and files that are necessary to the investigation.

(a-1) The court shall provide in its expunction order that the applicable law enforcement agency and prosecuting attorney may retain the arrest records and files of any person who becomes entitled to an expunction of those records and files based on the expiration of a period described by Article 55.01(a)(2)(A)(i)(a), (b), or (c), but without the certification of the prosecuting attorney as described by Article 55.01(a)(2)(A)(i)(d).

(a-2) In the case of a person who is the subject of an expunction order on the basis of an acquittal, the court may provide in the expunction order that the law enforcement agency and the prosecuting attorney retain records and files if:

(1) the records and files are necessary to conduct a subsequent investigation and prosecution of a person other than the person who is the subject of the expunction order; or

(2) the state establishes that the records and files are necessary for use in:

(A) another criminal case, including a prosecution, motion to adjudicate or revoke community supervision, parole revocation hearing, mandatory supervision revocation hearing, punishment hearing, or bond hearing; or

(B) a civil case, including a civil suit or suit for possession of or access to a child.

(b) Unless the person who is the subject of the expunction order is again arrested for or charged with an offense arising out of the transaction for which the person was arrested or unless the court provides for the retention of records and files under Subsection (a-1) or (a-2) ~~[(a) of this section]~~, the provisions of Articles 55.03 and 55.04 ~~[of this code]~~ apply to files and records retained under this section.

SECTION 6. Section 5(a), Article 55.02, Code of Criminal Procedure, is amended to read as follows:

(a) Except as provided by Subsections (f) and (g), on receipt of the order, each official or agency or other governmental entity named in the order shall:

(1) return all records and files that are subject to the expunction order to the court or in cases other than those described by Section 1a, if removal is impracticable, obliterate all portions of the record or file that identify the person who is the subject of the order and notify the court of its action; and

(2) delete from its public records all index references to the records and files that are subject to the expunction order.

SECTION 7. This Act applies to an expunction of arrest records and files for any criminal offense:

(1) that occurred before, on, or after the effective date of this Act; or

(2) for which a pardon or other relief on the basis of actual innocence was granted before, on, or after the effective date of this Act.

SECTION 8. This Act takes effect September 1, 2011.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **CSHB 351** (senate committee report) in SECTION 1 of the bill as follows:

(1) In amended Article 55.01(a)(2)(A), Code of Criminal Procedure (page 1, lines 40 and 41), strike "felony or misdemeanor offense arising out of the" and substitute "misdemeanor offense based on the person's arrest or charging the person with the commission of any felony offense arising out of the same".

(2) Strike added Articles 55.01(a)(2)(A)(i)(a)-(c), Code of Criminal Procedure (page 1, lines 45-53), and substitute the following:

(a) at least 180 days have elapsed from the date of arrest if the arrest for which the expunction was sought was for an offense punishable as a Class C misdemeanor and if there was no felony charge arising out of the same transaction for which the person was arrested;

(b) at least one year has elapsed from the date of arrest if the arrest for which the expunction was sought was for an offense punishable as a Class B or A misdemeanor and if there was no felony charge arising out of the same transaction for which the person was arrested;

(c) at least three years have elapsed from the date of arrest if the arrest for which the expunction was sought was for an offense punishable as a felony or if there was a felony charge arising out of the same transaction for which the person was arrested; or

HB 1199 - CO-AUTHOR AUTHORIZED

On motion of Representative Gallego, Representative Martinez Fischer was authorized as a co-author to **HB 1199**.

HB 1199 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Gallego called up with senate amendments for consideration at this time,

HB 1199, A bill to be entitled An Act relating to the penalty for certain intoxication assaults.

Representative Gallego moved to concur in the senate amendments to **HB 1199**.

The motion to concur in the senate amendments to **HB 1199** prevailed by (Record 1583): 141 Yeas, 2 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Carter; Castro; Chisum; 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; 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; Miller, D.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; 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; Woolley; Workman; Zedler; Zerwas.

Nays — Callegari; Miller, S.

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

Absent, Excused — Burnam; Christian; Garza; Miles; Price.

STATEMENTS OF VOTE

I was shown voting no on Record No. 1583. I intended to vote yes.

Callegari

I was shown voting no on Record No. 1583. I intended to vote yes.

S. Miller

Senate Committee Substitute

CSHB 1199, A bill to be entitled An Act relating to the penalty for certain intoxication offenses.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 49.04, Penal Code, is amended by amending Subsection (b) and adding Subsection (d) to read as follows:

(b) Except as provided by Subsections [Subsection] (c) and (d) and Section 49.09, an offense under this section is a Class B misdemeanor, with a minimum term of confinement of 72 hours.

(d) If it is shown on the trial of an offense under this section that an analysis of a specimen of the person's blood, breath, or urine showed an alcohol concentration level of 0.15 or more at the time the analysis was performed, the offense is a Class A misdemeanor.

SECTION 2. Section 49.09, Penal Code, is amended by adding Subsection (b-4) to read as follows:

(b-4) An offense under Section 49.07 is a felony of the second degree if it is shown on the trial of the offense that the person caused serious bodily injury to another in the nature of a traumatic brain injury that results in a persistent vegetative state.

SECTION 3. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 4. This Act takes effect September 1, 2011.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **CSHB 1199** (senate committee printing) by adding the following SECTION to the bill and renumbering subsequent SECTIONS of the bill appropriately:

SECTION 1. This Act shall be known as the Abdallah Khader Act.

HB 2931 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Woolley called up with senate amendments for consideration at this time,

HB 2931, A bill to be entitled An Act relating to certain debt cancellation agreements made in connection with retail installment contracts.

Representative Woolley moved to concur in the senate amendments to **HB 2931**.

The motion to concur in the senate amendments to **HB 2931** prevailed by (Record 1584): 137 Yeas, 0 Nays, 3 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Carter; Castro; Chisum; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Driver; Dukes; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; 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; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer;

McClendon; Menendez; Miller, D.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; 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; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Burnam; Christian; Garza; Miles; Price.

Absent — Aycock; Callegari; Deshotel; Madden; Miller, S.

Senate Amendment No. 1 (Senate Committee Amendment No. 1)

Amend **HB 2931** (house engrossed version) as follows:

(1) Strike added Section 348.601(c), Finance Code (page 2, lines 2-4), and reletter subsequent subsections accordingly.

(2) In added Section 348.603(14), Finance Code (page 6, line 12), following the semicolon, strike "and".

(3) In added Section 348.603(15), Finance Code (page 6, line 15), strike "." and substitute "; and".

(4) Following added Section 348.603(15), Finance Code (page 6, between lines 15 and 16), insert the following:

(16) that the holder will cancel certain amounts under the debt cancellation agreement for total loss or theft of a motor vehicle, in the following or substantially similar language: "YOU WILL CANCEL CERTAIN AMOUNTS I OWE UNDER THIS CONTRACT IN THE CASE OF A TOTAL LOSS OR THEFT OF THE VEHICLE AS STATED IN THE DEBT CANCELLATION AGREEMENT."

(5) Strike added Section 348.604(e), Finance Code (page 7, lines 8-12), and substitute the following:

(e) If after approval of a form the Office of Consumer Credit Commissioner discovers that approval could have been denied under Subsection (d), the commissioner may order a retail seller, any administrator of the debt cancellation agreement, or a holder to submit a corrected form for approval. Beginning as soon as reasonably practicable after approval of the corrected form, the retail seller, administrator, or holder shall use the corrected form for all sales.

(f) A debt cancellation agreement form that has been approved by the commissioner is public information subject to disclosure under Chapter 552, Government Code. Section 552.110, Government Code, does not apply to a form approved under this subchapter.

(6) Following added Section 348.605(g), Finance Code (page 8, between lines 15 and 16), add the following:

(h) A retail seller that negotiates a debt cancellation agreement and subsequently assigns the contract shall:

(1) maintain documents relating to the agreement that come into the retail seller's possession; and

(2) on request of the Office of Consumer Credit Commissioner, cooperate in requesting and obtaining access to documents relating to the agreement not in the retail seller's possession.

**HB 3743 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Workman called up with senate amendments for consideration at this time,

HB 3743, A bill to be entitled An Act relating to the rights, powers, functions, and duties of the West Travis County Municipal Utility District No. 5.

Representative Workman moved to concur in the senate amendments to **HB 3743**.

The motion to concur in the senate amendments to **HB 3743** prevailed by (Record 1585): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Castro; Chisum; 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; 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; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Quintanilla; Raymond; Reynolds; 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; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Burnam; Christian; Garza; Miles; Price.

Absent — Riddle.

Senate Committee Substitute

CSHB 3743, A bill to be entitled An Act relating to the rights, powers, functions, and duties of the West Travis County Municipal Utility District No. 5.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 6, Chapter 1214, Acts of the 71st Legislature, Regular Session, 1989, is amended by adding Subsections (c) and (d) to read as follows:

(c) In addition to the rights, powers, privileges, authority, functions, and duties under Subsection (a) of this section, the district has all of the rights, powers, privileges, authority, functions, and duties relating to:

(1) road districts and road utility districts created under Section 52, Article III, Texas Constitution; and

(2) supply and distribution facilities or systems to provide potable and nonpotable water to the residents and businesses of Travis and Hays Counties.

(d) Notwithstanding Subsection (c) of this section, the district may not construct, acquire, maintain, or operate a toll road.

SECTION 2. Chapter 1214, Acts of the 71st Legislature, Regular Session, 1989, is amended by adding Section 6A to read as follows:

Sec. 6A. LIMITATION ON USE OF EMINENT DOMAIN. The district may not exercise the power of eminent domain outside the district to acquire a site or easement for:

(1) a road project authorized by Section 6 of this Act; or

(2) a recreational facility as defined by Section 49.462, Water Code.

SECTION 3. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2011.

HB 3845 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Sheffield called up with senate amendments for consideration at this time,

HB 3845, A bill to be entitled An Act relating to the powers of the CLL Municipal Utility District No. 1; providing authority to levy an assessment, impose a tax, and issue bonds.

Representative Sheffield moved to concur in the senate amendments to **HB 3845**.

The motion to concur in the senate amendments to **HB 3845** prevailed by (Record 1586): 141 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Castro; Chisum; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; 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; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; 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; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Burnam; Christian; Garza; Miles; Price.

Absent — Eiland; Villarreal.

Senate Committee Substitute

CSHB 3845, A bill to be entitled An Act relating to the powers of the CLL Municipal Utility District No. 1; providing authority to levy an assessment, impose a tax, and issue bonds.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 8109, Special District Local Laws Code, is amended by adding Sections 8109.0025 and 8109.0026 to read as follows:

Sec. 8109.0025. PURPOSE; DECLARATION OF INTENT. (a) The district is essential to accomplish the purposes of Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other public purposes stated in this chapter. By creating the district, the legislature has established a program to accomplish the public purposes set out in Section 52-a, Article III, Texas Constitution.

(b) The creation of the district is necessary to promote, develop, encourage, and maintain employment, commerce, transportation, housing, tourism, recreation, the arts, entertainment, economic development, safety, and the public welfare in the district.

Sec. 8109.0026. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) The district is created to serve a public use and benefit.

(b) All land and other property included in the district will benefit from the improvements and services to be provided by the district under powers conferred by Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other powers granted under this chapter.

(c) The creation of the district is in the public interest and is essential to:

(1) further the public purposes of developing and diversifying the economy of the state;

(2) eliminate unemployment and underemployment; and

(3) develop commerce.

(d) The district will:

(1) promote the health, safety, and general welfare of residents, employers, potential employees, employees, visitors, and consumers in the district;

(2) provide needed funding for the district to preserve, maintain, and enhance the economic health and vitality of the district territory as a community and business center; and

(3) promote the health, safety, welfare, and enjoyment of the public by providing trails, landscaping, and other services that are necessary for the restoration, preservation, and enhancement of the scenic beauty and environment of the area.

SECTION 2. Chapter 8109, Special District Local Laws Code, is amended by adding Subchapters D, E, F, G, H, and I to read as follows:

SUBCHAPTER D. POWERS AND DUTIES

Sec. 8109.151. MUNICIPAL MANAGEMENT DISTRICT POWERS.

The district has the powers provided by Chapter 375, Local Government Code.

Sec. 8109.152. EXERCISE OF POWERS OF DEVELOPMENT CORPORATION. The district may exercise the powers of a corporation created under Section 380.001(c) or Chapter 501, Local Government Code.

Sec. 8109.153. AIRPORT. The district may construct, acquire, improve, maintain, and operate an airport and improvements in aid of the airport.

Sec. 8109.154. AUTHORITY FOR ROAD PROJECTS. (a) Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads described by Section 54.234, Water Code, or improvements, including storm drainage, in aid of those roads.

(b) The district may exercise the powers provided by this section without submitting a petition to or obtaining approval from the Texas Commission on Environmental Quality as required by Section 54.234, Water Code.

Sec. 8109.155. APPROVAL OF ROAD PROJECT. (a) The district may not undertake a road project authorized by Section 8109.154 unless:

(1) each county that will operate and maintain the road has approved the plans and specifications of the road project, if a county will operate and maintain the road; or

(2) the Texas Transportation Commission has approved the plans and specifications of the road project, if the state will operate and maintain the road.

(b) Except as provided by Subsection (a), the district is not required to obtain approval from the Texas Transportation Commission to design, acquire, construct, finance, issue bonds for, improve, or convey a road project.

Sec. 8109.156. NO TOLL ROADS. The district may not construct, acquire, maintain, or operate a toll road.

Sec. 8109.157. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE OR RESOLUTION. The district shall comply with all applicable requirements of any ordinance or resolution that is adopted under Section 54.016 or 54.0165, Water Code, and that consents to the creation of the district or to the inclusion of land in the district.

Sec. 8109.158. LIMITATION ON USE OF EMINENT DOMAIN. (a) The district may only exercise the power of eminent domain described by Chapters 49 and 54, Water Code.

(b) The district may not exercise the power of eminent domain outside the district to acquire a site or easement for:

(1) a road project authorized by Section 8109.154; or

(2) a recreational facility as defined by Section 49.462, Water Code.

(c) The district may not exercise the power of eminent domain for an improvement project.

SUBCHAPTER E. IMPROVEMENT PROJECTS

Sec. 8109.201. IMPROVEMENT PROJECTS; SERVICES. The district may provide, or it may enter into contracts with a governmental or private entity to provide, the improvement projects and services described by this subchapter or activities in support of or incidental to those projects and services.

Sec. 8109.202. BOARD DETERMINATION REQUIRED. The district may not undertake a project under this subchapter unless the board determines the project to be necessary to accomplish a public purpose of the district.

Sec. 8109.203. WATER. An improvement project may include a:

(1) wastewater treatment and disposal facility;

(2) water quality protection facility; and

(3) facility to enhance groundwater recharge.

Sec. 8109.204. IRRIGATION AND DRAINAGE. An improvement project may include facilities for irrigation and drainage.

Sec. 8109.205. SOLID WASTE SERVICES. An improvement project may include solid waste management services, including garbage collection, recycling, and composting.

Sec. 8109.206. CONVENTION CENTER. An improvement project may include the planning, design, construction, acquisition, lease, rental, improvement, maintenance, installation, and management of and provision of furnishings for a facility for:

(1) a conference, convention, or exhibition;

(2) a manufacturer, consumer, or trade show;

(3) a civic, community, or institutional event; or

(4) an exhibit, display, attraction, special event, or seasonal or cultural celebration or holiday.

Sec. 8109.207. MISCELLANEOUS DESIGN, CONSTRUCTION, AND MAINTENANCE. In addition to the projects and services described by Section 375.112, Local Government Code, an improvement project may include the planning, design, construction, improvement, and maintenance of:

(1) highway right-of-way or transit corridor beautification and improvement;

(2) a hiking and cycling path or trail;

(3) a garden, recreational facility, sports facility, open space, scenic area, or related exhibit or preserve; or

(4) a storm water detention improvement.

Sec. 8109.208. SIMILAR IMPROVEMENT PROJECTS. An improvement project may include a public improvement, facility, or service similar to a project described by this subchapter.

SUBCHAPTER F. GENERAL FINANCIAL PROVISIONS

Sec. 8109.251. ASSESSMENTS. The district may levy and collect special assessments in the same manner and for the same purposes as a municipal management district as provided in Subchapter F, Chapter 375, Local Government Code.

SUBCHAPTER G. BONDS AND OTHER OBLIGATIONS

Sec. 8109.301. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, contract payments, grants, hotel occupancy taxes, sales and use taxes, other district money, or any combination of those sources to pay for any authorized district purpose.

Sec. 8109.302. ELECTIONS REGARDING TAXES AND BONDS. (a) The district must hold an election in the manner provided by Subchapter L, Chapter 375, Local Government Code, to obtain voter approval before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes.

(b) Section 375.243, Local Government Code, does not apply to the district.

(c) All or any part of any facilities or improvements that may be acquired by a district by the issuance of its bonds may be submitted as a single proposition or as several propositions to be voted on at the election.

Sec. 8109.303. TAXES FOR BONDS. (a) At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of an ad valorem tax, without limit as to rate or amount, as required by Section 54.601, Water Code.

(b) The board shall annually impose the tax while all or part of the bonds are outstanding. Sections 54.601 and 54.602, Water Code, govern the amount and rate of the tax.

Sec. 8109.304. BONDS FOR ROAD PROJECTS. At the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of the real property in the district.

SUBCHAPTER H. SALES AND USE TAX

Sec. 8109.351. APPLICABILITY OF CERTAIN TAX CODE PROVISIONS. (a) Chapter 321, Tax Code, governs the imposition, computation, administration, enforcement, and collection of the sales and use tax authorized by this subchapter except to the extent Chapter 321, Tax Code, is inconsistent with this chapter.

(b) A reference in Chapter 321, Tax Code, to a municipality or the governing body of a municipality is a reference to the district or the board, respectively.

Sec. 8109.352. ELECTION; ADOPTION OF TAX. (a) The district may adopt a sales and use tax if authorized by a majority of the voters of the district voting at an election held for that purpose.

(b) The board by order may call an election to authorize the adoption of the sales and use tax. The election may be held on any uniform election date and in conjunction with any other district election.

(c) The ballot shall be printed to provide for voting for or against the proposition: "Authorization of a sales and use tax in the CLL Municipal Utility District No. 1 at a rate not to exceed _____ percent" (insert rate of one or more increments of one-eighth of one percent).

Sec. 8109.353. SALES AND USE TAX RATE. (a) Not later than the 10th day after the date the results are declared of an election held under Section 8109.352, at which the voters approved imposition of the tax authorized by this subchapter, the board shall determine the initial rate of the tax, which must be in one or more increments of one-eighth of one percent.

(b) After the election held under Section 8109.352, the board may decrease the rate of the tax by one or more increments of one-eighth of one percent. The board may not decrease the rate of the tax if the decrease would impair the repayment of any outstanding debt or obligation payable from the tax.

(c) The initial rate of the tax or any rate resulting from subsequent decreases may not exceed the lesser of:

(1) the maximum rate authorized by the district voters at the election held under Section 8109.352; or

(2) a rate that, when added to the rates of all sales and use taxes imposed by other political subdivisions with territory in the district, would result in the maximum combined rate prescribed by Section 321.101(f), Tax Code, at any location in the district.

(d) The board shall notify the comptroller of any changes made to the tax rate in the same manner the municipal secretary provides notice to the comptroller under Section 321.405(b), Tax Code.

Sec. 8109.354. USE OF REVENUE. Revenue from the sales and use tax imposed under this subchapter is for the use and benefit of the district and may be used for any district purpose.

SUBCHAPTER I. HOTEL OCCUPANCY TAX

Sec. 8109.401. APPLICABILITY OF CERTAIN TAX CODE PROVISIONS. (a) In this subchapter:

(1) a reference in Subchapter A, Chapter 351, Tax Code, to a municipality is a reference to the district; and

(2) a reference in Subchapter A, Chapter 351, Tax Code, to the governing body of a municipality is a reference to the board.

(b) Except as inconsistent with this subchapter, Subchapter A, Chapter 351, Tax Code, governs a hotel occupancy tax authorized by this subchapter, including the collection of the tax, subject to the limitations prescribed by Sections 351.002(b) and (c), Tax Code.

Sec. 8109.402. TAX AUTHORIZED; USE OF REVENUE. The district may impose a hotel occupancy tax for any purpose authorized by Section 351.101, Tax Code.

Sec. 8109.403. TAX RATE. (a) The amount of the hotel occupancy tax may not exceed the maximum rate provided by Section 351.003(a), Tax Code.

(b) The district may not adopt a hotel occupancy tax at a rate that would cause the combined rate of all hotel occupancy taxes imposed by the district and other political subdivisions of this state at a location in the district to exceed 15 percent. If a political subdivision's adoption of a hotel occupancy tax rate causes the combined hotel occupancy tax rate imposed at a location in the district to exceed 15 percent, the district's hotel occupancy tax rate in the entire district is automatically reduced to bring the combined rate imposed at that location down to not more than 15 percent.

(c) The district shall notify each hotel in the district of any change in the hotel occupancy tax rate under this section.

(d) Any change in the hotel occupancy tax rate takes effect on the first day of the next calendar month following the change.

SECTION 3. (a) The legislature validates and confirms all governmental acts and proceedings of the CLL Municipal Utility District No. 1 relating to the exclusion of land, the annexation of land, and the establishment of the district's boundaries that were taken before the effective date of this Act.

(b) This section does not apply to:

(1) an act or proceeding that was void at the time it occurred;

(2) an act that was a misdemeanor or felony at the time it occurred;

(3) an annexation or attempted annexation of land in the boundaries or extraterritorial jurisdiction of a municipality that occurred without the consent of the municipality; and

(4) any matter that on the effective date of this Act:

(A) is involved in litigation if the litigation ultimately results in the matter being held invalid by a final court judgment; or

(B) has been held invalid by a final court judgment.

SECTION 4. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, lieutenant governor, and speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2011.

**HB 1638 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Aliseda called up with senate amendments for consideration at this time,

HB 1638, A bill to be entitled An Act relating to the disqualification of a district or county attorney who is the subject of a criminal investigation.

Representative Aliseda moved to concur in the senate amendments to **HB 1638**.

The motion to concur in the senate amendments to **HB 1638** prevailed by (Record 1587): 139 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Castro; Chisum; 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; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; 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; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; 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; Villarreal; Vo; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Burnam; Christian; Garza; Miles; Price.

Absent — Hamilton; Nash; Veasey; Walle.

Senate Committee Substitute

CSHB 1638, A bill to be entitled An Act relating to the disqualification of a district or county attorney who is the subject of a criminal investigation.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 2.08, Code of Criminal Procedure, is amended to read as follows:

Art. 2.08. **DISQUALIFIED.** (a) District and county attorneys shall not be of counsel adversely to the State in any case, in any court, nor shall they, after they cease to be such officers, be of counsel adversely to the State in any case in which they have been of counsel for the State.

(b) A judge of a court in which a district or county attorney represents the State shall declare the district or county attorney disqualified for purposes of Article 2.07 on a showing that the attorney is the subject of a criminal investigation by a law enforcement agency if that investigation is based on credible evidence of criminal misconduct for an offense that is within the attorney's authority to prosecute. A disqualification under this subsection applies only to the attorney's access to the criminal investigation pending against the attorney and to any prosecution of a criminal charge resulting from that investigation.

SECTION 2. The change in law made by this Act applies only to the prosecution of an offense committed on or after the effective date of this Act. The prosecution of an offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 3. This Act takes effect September 1, 2011.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 5).

**HB 3804 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Gallego called up with senate amendments for consideration at this time,

HB 3804, A bill to be entitled An Act relating to the creation of the Lajitas Utility District No. 1 of Brewster County; providing authority to impose taxes and issue bonds; granting a limited power of eminent domain.

Representative Gallego moved to concur in the senate amendments to **HB 3804**.

The motion to concur in the senate amendments to **HB 3804** prevailed by (Record 1588): 140 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Castro; Chisum; 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; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; 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; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; 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; Woolley; Workman; Zerwas.

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

Absent, Excused — Burnam; Christian; Garza; Miles; Price.

Absent — Hilderbran; Walle; Zedler.

STATEMENT OF VOTE

When Record No. 1588 was taken, I was in the house but away from my desk. I would have voted yes.

Hilderbran

Senate Committee Substitute

CSHB 3804, A bill to be entitled An Act relating to the creation of the Lajitas Utility District No. 1 of Brewster County; providing authority to impose taxes and issue bonds; granting a limited power of eminent domain.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle X, Title 6, Special District Local Laws Code, is amended by adding Chapter 11002 to read as follows:

CHAPTER 11002. LAJITAS UTILITY DISTRICT NO. 1 OF BREWSTER COUNTY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 11002.001. DEFINITIONS. In this chapter:

- (1) "Board" means the district's board of directors.
- (2) "Director" means a board member.
- (3) "District" means the Lajitas Utility District No. 1 of Brewster

County.

Sec. 11002.002. NATURE OF DISTRICT. The district is a utility district with combined powers created under Section 59, Article XVI, Texas Constitution.

Sec. 11002.003. CONFIRMATION AND DIRECTORS' ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

Sec. 11002.004. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a) The district is created to serve a public purpose and benefit.

(b) All land and other property included in the district will benefit from the improvements and services to be provided by the district under powers conferred by Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other powers granted under this chapter.

(c) The district is created to accomplish the purposes of:

(1) a municipal utility district as provided by general law and Section 59, Article XVI, Texas Constitution;

(2) Section 52, Article III, Texas Constitution, that relate to the construction, acquisition, improvement, operation, or maintenance of macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads; and

(3) Section 52-a, Article III, Texas Constitution, that relate to the development and diversification of the economy of this state and other purposes of that section.

(d) The creation of the district is in the public interest and essential to:

(1) further the public purposes of developing and diversifying the economy of the state;

(2) eliminate unemployment and underemployment; and

(3) develop or expand transportation and commerce.

(e) The district will:

(1) promote the health, safety, and general welfare of residents, employers, potential employees, employees, visitors, and consumers in the district, and of the public;

(2) provide needed funding for the district to preserve, maintain, and enhance the economic health and vitality of the district territory as a community and business center; and

(3) promote the health, safety, welfare, and enjoyment of the public by providing pedestrian ways and by landscaping and developing certain areas in the district, which are necessary for the restoration, preservation, and enhancement of scenic beauty.

(f) Pedestrian ways along or across a street, whether at grade or above or below the surface, and street lighting, street landscaping, parking, and street art objects are parts of and necessary components of a street and are considered to be a street or road improvement.

(g) The district is not an agent or instrumentality of a private interest even though the district will benefit private interests as well as the public.

Sec. 11002.005. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2 of the Act creating this chapter.

(b) The boundaries and field notes contained in Section 2 of the Act creating this chapter form a closure. A mistake made in the field notes or in copying the field notes in the legislative process does not affect the district's:

- (1) organization, existence, or validity;
- (2) right to issue any type of bond for the purposes for which the district is created or to pay the principal of and interest on a bond;
- (3) right to impose a tax; or
- (4) legality or operation.

[Sections 11002.006-11002.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 11002.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b) Except as provided by Section 11002.052, directors serve staggered four-year terms.

Sec. 11002.052. TEMPORARY DIRECTORS. (a) The temporary board consists of:

- (1) Brent Ratliff;
- (2) George Kutch;
- (3) John Nolan;
- (4) Renee Lorenz; and
- (5) H. C. Ross.

(b) If a temporary director fails to qualify for office, the temporary directors who have qualified shall appoint a person to fill the vacancy.

(c) Temporary directors serve until the earlier of:

- (1) the date permanent directors are elected under Section 11002.003;

or

(2) the fourth anniversary of the effective date of the Act creating this chapter.

(d) If permanent directors have not been elected under Section 11002.003 and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (e) to serve terms that expire on the earlier of:

- (1) the date permanent directors are elected under Section 11002.003;

or

(2) the fourth anniversary of the date of the appointment or reappointment.

(e) If Subsection (d) applies, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the Texas Commission on Environmental Quality requesting that the commission appoint as successor temporary directors the five persons named in the petition. The commission shall appoint as successor temporary directors the five persons named in the petition.

[Sections 11002.053-11002.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 11002.101. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 11002.102. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.

Sec. 11002.103. IMPROVEMENT PROJECTS AND SERVICES. Except as provided by Section 11002.113, the district may provide improvement projects and services in the same manner as a municipal management district under Section 375.112, Local Government Code.

Sec. 11002.104. AUTHORITY FOR ROAD PROJECTS. (a) Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads described by Section 54.234, Water Code, or improvements, including storm drainage, in aid of those roads.

(b) The district may exercise the powers provided by this section without submitting a petition to or obtaining approval from the Texas Commission on Environmental Quality as required by Section 54.234, Water Code.

(c) The district, at the district's expense, shall repair and maintain any internal streets and roads in the district. Brewster County has no obligation to repair or maintain the internal streets and roads in the district, even on dissolution of the district.

Sec. 11002.105. APPROVAL OF ROAD PROJECT. (a) The district may not undertake a road project authorized by Section 11002.104 unless:

(1) each county that will operate and maintain the road has approved the plans and specifications of the road project, if a county will operate and maintain the road; or

(2) the Texas Transportation Commission has approved the plans and specifications of the road project, if the state will operate and maintain the road.

(b) Except as provided by Subsection (a), the district is not required to obtain approval from the Texas Transportation Commission to design, acquire, construct, finance, issue bonds for, improve, or convey a road project.

Sec. 11002.106. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE OR RESOLUTION. The district shall comply with all applicable requirements of any ordinance or resolution that is adopted under Section 54.016 or 54.0165, Water Code, and that consents to the creation of the district or to the inclusion of land in the district.

Sec. 11002.107. LIMITATION ON USE OF EMINENT DOMAIN. (a) The district may not exercise the power of eminent domain outside the district to acquire a site or easement for:

(1) a road project authorized by Section 11002.104; or

(2) a recreational facility as defined by Section 49.462, Water Code.

(b) If the district's exercise of its eminent domain power requires relocating, raising, lowering, rerouting, or altering the construction of any electric transmission or electric distribution line, conduit, pole, or facility, the district must bear the actual cost of relocating, raising, lowering, rerouting, or altering the construction of any electric transmission or electric distribution line to provide a comparable replacement without enhancing the facility, after deducting from the cost the net salvage value derived from the old facility.

Sec. 11002.108. ELECTRIC POWER FACILITIES. The district may construct or acquire electric power generating, transmission, and distribution facilities and improvements in aid of these facilities.

Sec. 11002.109. AIRPORT. The district may construct, acquire, improve, maintain, and operate an airport and improvements in aid of the airport.

Sec. 11002.110. EXERCISE OF POWERS OF DEVELOPMENT CORPORATION. The district may exercise the powers of a corporation created under the Development Corporation Act (Subtitle C1, Title 12, Local Government Code).

Sec. 11002.111. DIVISION OF DISTRICT. (a) The district may be divided into two or more new districts only if the district:

- (1) has no outstanding bonded debt; and
- (2) is not imposing ad valorem taxes.

(b) This chapter applies to any new district created by the division of the district, and a new district has all the powers and duties of the district.

(c) Any new district created by the division of the district may not, at the time the new district is created, contain any land outside the area described by Section 2 of the Act creating this chapter.

(d) The board, on its own motion or on receipt of a petition signed by the owner or owners of a majority of the assessed value of the real property in the district, may adopt an order dividing the district.

(e) The board may adopt an order dividing the district before or after the date the board holds an election under Section 11002.003 to confirm the district's creation.

(f) An order dividing the district shall:

- (1) name each new district;
- (2) include the metes and bounds of each new district;
- (3) appoint temporary directors for each new district; and
- (4) provide for the division of assets and liabilities between or among

the new districts.

(g) On or before the 30th day after the date of adoption of an order dividing the district, the district shall file the order with the Texas Commission on Environmental Quality and record the order in the real property records of each county in which the district is located.

(h) Any new district created by the division of the district shall hold a confirmation and directors' election as required by Section 11002.003.

(i) Any new district created by the division of the district must hold an election as required by this chapter to obtain voter approval before the district may impose a maintenance tax or issue bonds payable wholly or partly from ad valorem taxes.

Sec. 11002.112. GROUNDWATER REGULATION. Section 36.121, Water Code, does not apply to a groundwater well owned or used by the district within the boundaries of the Brewster County Groundwater Conservation District. The rules of the Brewster County Groundwater Conservation District govern a groundwater well owned or used by the district within the Brewster County Groundwater Conservation District.

Sec. 11002.113. RETAIL ELECTRIC UTILITY SERVICES PROHIBITED. The district may not provide retail electric utility services, including transmission and distribution services, to residential, retail, commercial, industrial, or other customers inside or outside the district.

[Sections 11002.114-11002.150 reserved for expansion]

SUBCHAPTER D. TRANSFER OF PUBLIC IMPROVEMENTS

Sec. 11002.151. DEFINITION. In this subchapter, "receiving entity" means the entity that holds a certificate of convenience and necessity issued by the Public Utility Commission of Texas for the territory included in the district.

Sec. 11002.152. TRANSFER OF CERTAIN IMPROVEMENTS REQUIRED. Subject to Section 11002.155, the district shall transfer improvements described by Section 11002.108 in accordance with this section on the later of:

- (1) the date that the district acquires or completes the improvement; or
- (2) the date the receiving entity approves the transfer.

Sec. 11002.153. CONSTRUCTION STANDARDS. A public improvement transferred under this subchapter must be constructed in compliance with:

- (1) the requirements and specifications established by the receiving entity on or before the date that construction of the improvement begins; and
- (2) any tariffs for the electric utility or cooperative that is the receiving entity.

Sec. 11002.154. PARTIAL TRANSFER IN STAGES. The district may transfer part of an improvement under this subchapter if the district completes construction of the improvement in stages.

Sec. 11002.155. TRANSFER WITHOUT DEBT REQUIRED. The district shall convey all improvements that it is required to transfer under this subchapter without debt or other encumbrance.

Sec. 11002.156. OWNERSHIP AND RESPONSIBILITY AFTER TRANSFER. (a) After a transfer under this subchapter, the receiving entity owns the improvement and has sole jurisdiction and control over the improvement. On acceptance of the transfer, the receiving entity is responsible for all maintenance of the improvement, and the district is not responsible for the improvement or its maintenance.

(b) This section does not affect any authority of the receiving entity to alter, relocate, close, or discontinue maintenance of an improvement.

Sec. 11002.157. EFFECT OF CONVEYANCE ON DISTRICT DEBT. Conveyance of a public improvement to a receiving entity under this subchapter does not affect:

- (1) the sole responsibility of the district to pay in full the principal of and interest and any premium on any outstanding district bonds or other debt; or
- (2) the district's responsibility to perform the obligations provided by an order or resolution authorizing bonds or other debt.

[Sections 11002.158-11002.200 reserved for expansion]

SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

Sec. 11002.201. ELECTIONS REGARDING TAXES OR BONDS. (a) The district may issue, without an election, bonds and other obligations secured by:

- (1) revenue other than ad valorem taxes; or
 - (2) contract payments described by Section 11002.203.
- (b) The district must hold an election in the manner provided by Chapters 49 and 54, Water Code, to obtain voter approval before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes.
- (c) The district may not issue bonds payable from ad valorem taxes to finance a road project unless the issuance is approved by a vote of a two-thirds majority of the district voters voting at an election held for that purpose.

Sec. 11002.202. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 11002.201, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.

(b) The board shall determine the tax rate. The rate may not exceed the rate approved at the election.

Sec. 11002.203. CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.

(b) A contract approved by the district voters may contain a provision stating that the contract may be modified or amended by the board without further voter approval.

Sec. 11002.204. SALES AND USE TAX. (a) The district may impose a sales and use tax if authorized by a majority of the voters of the district voting at an election called for that purpose. Revenue from the tax may be used for any purpose for which ad valorem tax revenue of the district may be used.

(b) The district may not adopt a sales and use tax if as a result of the adoption of the tax the combined rate of all sales and use taxes imposed by the district and other political subdivisions of this state having territory in the district would exceed two percent at any location in the district.

(c) If the voters of the district approve the adoption of a sales and use tax at an election held on the same election date on which another political subdivision adopts a sales and use tax or approves an increase in the rate of its sales and use tax and as a result the combined rate of all sales and use taxes imposed by the

district and other political subdivisions of this state having territory in the district would exceed two percent at any location in the district, the election to adopt a sales and use tax under this chapter has no effect.

(d) Chapter 321, Tax Code, applies to the imposition, computation, administration, enforcement, and collection of the sales and use tax imposed by this section except to the extent it is inconsistent with this chapter.

(e) The district may not impose a sales and use tax at a rate that would cause the rate of the total sales and use taxes collected by all municipalities and other political subdivisions at a location in the district to exceed the maximum rate allowed by law. If a political subdivision's increase to a sales and use tax rate causes the total sales and use tax rate imposed at a location in the district to exceed the maximum rate allowed by law, the district's sales and use tax rate is automatically reduced to bring the total rate imposed at that location down to a rate allowed by law.

Sec. 11002.205. ASSESSMENTS; MUNICIPAL MANAGEMENT DISTRICT POWERS. Except as provided by Section 11002.206, the district may levy and collect special assessments in the same manner and for the same purposes as a municipal management district as provided in Subchapter F, Chapter 375, Local Government Code.

Sec. 11002.206. ELECTRIC UTILITY PROPERTY EXEMPT FROM IMPACT FEES AND ASSESSMENTS. The district may not impose an impact fee or assessment on the property, including the equipment, rights-of-way, facilities, or improvements, of an electric cooperative as defined by Section 161.002, Utilities Code.

[Sections 11002.207-11002.250 reserved for expansion]

SUBCHAPTER F. BONDS AND OTHER OBLIGATIONS

Sec. 11002.251. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, contract payments, grants, sales and use taxes, other district money, or any combination of those sources to pay for any authorized district purpose.

Sec. 11002.252. TAXES FOR BONDS. (a) At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of an ad valorem tax, without limit as to rate or amount, as required by Section 54.601, Water Code.

(b) The board shall annually impose the tax while all or part of the bonds are outstanding. Sections 54.601 and 54.602, Water Code, govern the amount and rate of the tax.

Sec. 11002.253. BONDS FOR ROAD PROJECTS. At the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of the real property in the district.

SECTION 2. The Lajitas Utility District No. 1 of Brewster County initially includes all the territory contained in the following area:

FIELD NOTE DESCRIPTION

BEING A 2,763 ACRE TRACT OF LAND LOCATED IN PART OF THE M.K. & T.E. RY. CO. SURVEY, BLOCK G-5, PART OF THE G.C. & S. F. RY. CO. SURVEY, BLOCK G-12, AND PART OF THE T.C. RY. CO. SURVEY, BLOCK 341, IN BREWSTER COUNTY, TEXAS AS CONVEYED BY SPECIAL WARRANTY DEED TO LAJITAS CAPITAL PARTNERS, LLC RECORDED IN VOLUME 224, PAGE 458 AND VOLUME 224, PAGE 502, DEED RECORDS, BREWSTER COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON BAR IN A ROCK MOUND FOUND TO MARK THE COMMON CORNER OF SECTIONS 99 AND 98, BLOCK 341, PART OF A 3,248.2 ACRE TRACT OF LAND CONVEYED BY GENERAL WARRANTY DEED TO TEXAS PARKS AND WILDLIFE DEPARTMENT AS RECORDED IN VOLUME 6, PAGE 432, DEED RECORDS, BREWSTER COUNTY, TEXAS, SECTION 94, BLOCK 341, T.C. RY. CO. SURVEY, BREWSTER COUNTY, TEXAS, AND SECTION 95, BLOCK 341, T.C. RY. CO. SURVEY, A 640 ACRE TRACT OF LAND CONVEYED BY SPECIAL WARRANTY DEED TO LAJITAS CAPITAL PARTNERS, LLC, RECORDED IN VOLUME 224, PAGE 458, DEED RECORDS, BREWSTER COUNTY, TEXAS;

THENCE N01°07'48"E ALONG THE EAST LINE OF SAID SECTION 98, BLOCK 341 AND THE WEST LINE OF SAID SECTION 95, BLOCK 341, A DISTANCE OF 5,277.78 FEET TO A POINT FOR CORNER BEING THE NORTHEAST CORNER OF SAID SECTION 98, BLOCK 341, BEING THE NORTHWEST CORNER OF SAID SECTION 95, BLOCK 341, BEING THE SOUTHWEST CORNER OF SECTION 96, BLOCK 341, A 640 ACRE TRACT OF LAND CONVEYED TO LAJITAS CAPITAL PARTNERS, LLC BY SPECIAL WARRANTY DEED RECORDED IN VOLUME 224, PAGE 458, DEED RECORDS, BREWSTER COUNTY, TEXAS, AND BEING THE SOUTHEAST CORNER OF SECTION 97, BLOCK 341, PART OF A 3,248.2 ACRE TRACT OF LAND CONVEYED BY GENERAL WARRANTY DEED TO TEXAS PARKS AND WILDLIFE DEPARTMENT RECORDED IN VOLUME 6, PAGE 432, DEED RECORDS, BREWSTER COUNTY, TEXAS; THENCE N01°07'48"E ALONG THE EAST LINE OF SAID SECTION 97, BLOCK 341 AND THE WEST LINE OF SAID SECTION 96, BLOCK 341 A DISTANCE OF 5,277.78 FEET TO A POINT FOR CORNER BEING THE NORTHEAST CORNER OF SAID SECTION 97, BLOCK 341, BEING THE NORTHWEST CORNER OF SAID SECTION 96, BLOCK 341, BEING THE SOUTHEAST CORNER OF SECTION 55, BLOCK G-12, G.C. & S.F. RY. CO. SURVEY, BREWSTER COUNTY, TEXAS, A 640 ACRE TRACT OF LAND CONVEYED TO LAJITAS CAPITAL PARTNERS, LLC BY SPECIAL WARRANTY DEED RECORDED IN VOLUME 224, PAGE 458, DEED RECORDS, BREWSTER COUNTY, TEXAS, AND BEING THE SOUTHWEST CORNER OF SECTION 56, BLOCK G-12, A 640 ACRE

TRACT OF LAND CONVEYED TO LAJITAS CAPITAL PARTNERS, LLC BY SPECIAL WARRANTY DEED RECORDED IN VOLUME 224, PAGE 458, DEED RECORDS, BREWSTER COUNTY, TEXAS;

THENCE N88°52'12"W ALONG THE SOUTH LINE OF SAID SECTION 55, BLOCK G-12 AND THE NORTH LINE OF SAID SECTION 97, BLOCK 341 A DISTANCE OF 5,277.78 FEET TO A POINT FOR CORNER BEING THE SOUTHWEST CORNER OF SAID SECTION 55, BLOCK G-12, BEING THE NORTHWEST CORNER OF SAID SECTION 97, BLOCK 341, BEING THE NORTHEAST CORNER OF SECTION 102, BLOCK 341, PART OF A 3,248.2 ACRE TRACT OF LAND CONVEYED BY GENERAL WARRANTY DEED TO TEXAS PARKS AND WILDLIFE DEPARTMENT RECORDED IN VOLUME 6, PAGE 432, DEED RECORDS, BREWSTER COUNTY, TEXAS, AND BEING THE SOUTHEAST CORNER OF SECTION 54, BLOCK G-12, G.C. & S.F. RY. CO. SURVEY, PART OF A 3,248.2 ACRE TRACT OF LAND CONVEYED BY GENERAL WARRANTY DEED TO TEXAS PARKS AND WILDLIFE DEPARTMENT RECORDED IN VOLUME 6, PAGE 432, DEED RECORDS, BREWSTER COUNTY, TEXAS;

THENCE N01°07'48"E ALONG THE EAST LINE OF SAID SECTION 54, BLOCK G-12 AND THE WEST LINE OF SAID SECTION 55, BLOCK G-12, A DISTANCE OF 5,277.78 FEET TO A POINT FOR CORNER BEING THE NORTHWEST CORNER OF SAID SECTION 55, BLOCK G-12, BEING THE NORTHEAST CORNER OF SAID SECTION 54, BLOCK G-12, BEING THE SOUTHEAST CORNER OF SECTION 49, BLOCK G-12, PART OF A 3,248.2 ACRE TRACT OF LAND CONVEYED BY GENERAL WARRANTY DEED TO TEXAS PARKS AND WILDLIFE DEPARTMENT RECORDED IN VOLUME 6, PAGE 432, DEED RECORDS, BREWSTER COUNTY, TEXAS, AND BEING THE SOUTHWEST CORNER OF SECTION 48, BLOCK G-12, A 640 ACRE TRACT OF LAND CONVEYED TO LAJITAS CAPITAL PARTNERS, LLC BY SPECIAL WARRANTY DEED RECORDED IN VOLUME 224, PAGE 458, DEED RECORDS, BREWSTER COUNTY, TEXAS;

THENCE N01°07'48"E ALONG THE EAST LINE OF SAID SECTION 49, BLOCK G-12 AND THE WEST LINE OF SAID SECTION 48, BLOCK G-12, A DISTANCE OF 5,277.78 FEET TO A POINT FOR CORNER BEING THE NORTHWEST CORNER OF SAID SECTION 48, BLOCK G-12, BEING THE NORTHEAST CORNER OF SAID SECTION 49, BLOCK G-12, BEING THE SOUTHWEST CORNER OF SECTION 47, BLOCK G-12, A 640 ACRE TRACT OF LAND CONVEYED TO LAJITAS CAPITAL PARTNERS, LLC BY SPECIAL WARRANTY DEED RECORDED IN VOLUME 224, PAGE 458, DEED RECORDS, BREWSTER COUNTY, TEXAS, AND BEING THE SOUTHEAST CORNER OF A TRACT OF LAND IN SECTION 50, BLOCK G-12 CONVEYED TO JANE STAVINOHA AND SUZANNE STAVINOHA RECORDED IN VOLUME 243, PAGES 188,192,192,194,196, AND 198, DEED RECORDS, BREWSTER COUNTY, TEXAS;

THENCE N01°07'48"E ALONG THE EAST LINE OF SAID STAVINOHA TRACT, SECTION 50 BLOCK G-12 AND THE WEST LINE OF SAID SECTION 47, BLOCK G-12, A DISTANCE OF 5,277.78 FEET TO A POINT FOR CORNER BEING THE NORTHEAST CORNER OF SAID STAVINOAH TRACT, SECTION 50, BLOCK G-12, BEING THE NORTHWEST CORNER OF SAID SECTION 47, BLOCK G-12, BEING THE SOUTHEAST CORNER OF SECTION 104, BLOCK G-5, M.K. & T.E. RY. CO. SURVEY, BREWSTER COUNTY, TEXAS, A 640 ACRE TRACT OF LAND CONVEYED TO THOMAS R. VESTER RECORDED IN VOLUME 192, PAGE 263, DEED RECORDS, BREWSTER COUNTY, TEXAS, AND BEING THE SOUTHWEST CORNER OF SECTION 103, BLOCK G-5, A 640 ACRE TRACT OF LAND CONVEYED TO LAJITAS CAPITAL PARTNERS, LLC RECORDED IN VOLUME 224, PAGE 458, DEED RECORDS, BREWSTER COUNTY, TEXAS;

THENCE N01°07'48"E ALONG THE EAST LINE OF SAID VESTER TRACT, SECTION 104, BLOCK G-5 AND THE WEST LINE OF SAID SECTION 103, BLOCK G-5, A DISTANCE OF 5,277.78 FEET TO A POINT FOR CORNER BEING THE NORTHEAST CORNER OF SAID VESTER TRACT, SECTION 104, BLOCK G-5, BEING THE NORTHWEST CORNER OF SAID SECTION 103, BLOCK G-5, BEING THE SOUTHEAST CORNER OF SECTION 105, BLOCK G-5, A 640 ACRE TRACT OF LAND CONVEYED TO LAJITAS CAPITAL PARTNERS, LLC RECORDED IN VOLUME 224, PAGE 458, DEED RECORDS, BREWSTER COUNTY, TEXAS, AND BEING THE SOUTHWEST CORNER OF A TRACT OF LAND IN SECTION 102, BLOCK G-5 CONVEYED TO MARK FUSCA RECORDED IN VOLUME 198, PAGE 470, DEED RECORDS, BREWSTER COUNTY, TEXAS;

THENCE S88°52'12"E ALONG THE NORTH LINE OF SAID SECTION 103, BLOCK G-5 AND THE SOUTH LINE OF SAID FUSCA TRACT, SECTION 102, BLOCK G-5 A DISTANCE OF 659.72 FEET TO A POINT FOR CORNER;

THENCE S01°07'48"W PASSING AT 5,277.78 FEET, THE SOUTH LINE OF SAID SECTION 103, BLOCK G-5 BEING THE NORTH LINE OF SAID SECTION 47, BLOCK G-12, PASSING AT 10,555.56 FEET THE SOUTH LINE OF SAID SECTION 47, BLOCK G-12 BEING THE NORTH LINE OF SAID SECTION 48, BLOCK G-12, PASSING AT 15,833.33 FEET THE SOUTH LINE OF SAID SECTION 48, BLOCK G-12 BEING THE NORTH LINE OF SAID SECTION 55, BLOCK G-12, AND CONTINUING A TOTAL DISTANCE OF 20,451.45 FEET TO A POINT FOR CORNER;

THENCE S88°52'12"E PASSING AT 4,618.06 FEET THE EAST LINE OF SAID SECTION 55, BLOCK G-12 BEING THE WEST LINE OF SAID SECTION 56, BLOCK G-12, AND CONTINUING A TOTAL DISTANCE OF 5,277.78 FEET TO A POINT FOR CORNER;

THENCE S01°07'48"W PASSING AT 659.72 FEET, THE SOUTH LINE OF SAID SECTION 56, BLOCK G-12 BEING THE NORTH LINE OF SAID SECTION 96, BLOCK 341, PASSING AT 5,937.45 FEET THE SOUTH LINE

OF SAID SECTION 96, BLOCK 341 BEING THE NORTH LINE OF SAID SECTION 95, BLOCK 341 AND CONTINUING A TOTAL DISTANCE OF 9,895.84 FEET TO A POINT FOR CORNER;

THENCE S88°52'12"E PASSING AT 4,618.06 FEET, THE EAST LINE OF SAID SECTION 95, BLOCK 341 BEING THE WEST LINE OF SECTION 86, BLOCK 341, A 640 ACRE TRACT OF LAND CONVEYED TO LAJITAS CAPITAL PARTNERS, LLC RECORDED IN VOLUME 224, PAGE 458, DEED RECORDS, BREWSTER COUNTY, TEXAS, AND CONTINUING A TOTAL DISTANCE OF 8,576.40 FEET TO A POINT FOR CORNER;

THENCE N01°07'48"E PASSING AT 3,958.33 FEET, THE NORTH LINE OF SAID SECTION 86, BLOCK 341 BEING THE SOUTH LINE OF SECTION 85, BLOCK 341, A 640 ACRE TRACT OF LAND CONVEYED TO LAJITAS CAPITAL PARTNERS, LLC RECORDED IN VOLUME 224, PAGE 458, DEED RECORDS, BREWSTER COUNTY, TEXAS, AND CONTINUING A TOTAL DISTANCE OF 9,236.12 FEET TO A POINT FOR CORNER IN THE NORTH LINE OF SAID SECTION 85, BLOCK 341 BEING THE SOUTH LINE OF SECTION 57, BLOCK G-12, G.C. & S.F. RY. CO. SURVEY, BREWSTER COUNTY, TEXAS;

THENCE S88°52'12"E ALONG THE NORTH LINE SAID SECTION 85, BLOCK 341 BEING THE SOUTH LINE OF SAID SECTION 57, BLOCK G-12, A DISTANCE OF 1,319.44 FEET TO A POINT FOR CORNER BEING THE NORTHEAST CORNER OF SAID SECTION 85, BLOCK 341, THE SOUTHEAST CORNER OF SAID SECTION 57, BLOCK G-12, THE SOUTHWEST CORNER OF SECTION 58, BLOCK G-12, G.C. & S.F. RY. CO. SURVEY BREWSTER COUNTY, TEXAS, AND THE NORTHWEST CORNER OF SECTION 84, BLOCK 341, T.C. RY. CO. SURVEY, BREWSTER COUNTY, TEXAS;

THENCE S01°07'48"W ALONG THE EAST LINE OF SAID SECTION 85, BLOCK 341 BEING THE WEST LINE OF SAID SECTION 84, BLOCK 341, A DISTANCE OF 5,277.78 FEET TO A POINT FOR CORNER AT THE SOUTHEAST CORNER OF SAID SECTION 85, BLOCK 341 BEING THE SOUTHWEST CORNER OF SAID SECTION 84, BLOCK 341, BEING THE NORTHEAST CORNER OF SAID SECTION 86, BLOCK 341, AND BEING THE NORTHWEST CORNER OF SECTION 83, BLOCK 341, A 640 ACRE TRACT OF LAND CONVEYED TO LAJITAS CAPITAL PARTNERS, LLC AS RECORDED IN VOLUME 224, PAGE 458, DEED RECORDS, BREWSTER COUNTY, TEXAS;

THENCE S88°52'12"E ALONG THE NORTH LINE OF SAID SECTION 83, BLOCK 341 BEING THE SOUTH LINE OF SAID SECTION 84, BLOCK 341, A DISTANCE OF 1,319.44 FEET TO A POINT FOR CORNER IN THE NORTH LINE OF SAID SECTION 83, BLOCK 341;

THENCE S01°07'48"W A DISTANCE OF 5,277.78 FEET TO A POINT FOR CORNER IN THE SOUTH LINE OF SAID SECTION 83, BLOCK 341 BEING IN THE NORTH LINE OF A 612 ACRE MORE OR LESS TRACT OF LAND

IN SECTION 82, BLOCK 341, T.C. RY. CO. SURVEY CONVEYED TO LAJITAS CAPITAL PARTNERS, LLC AS RECORDED IN VOLUME 224, PAGE 458, DEED RECORDS, BREWSTER COUNTY, TEXAS; THENCE S88°52'12"E, PASSING AT 3,958.34 FEET, THE SOUTHEAST CORNER OF SAID SECTION 83, BLOCK 341, BEING THE NORTHEAST CORNER OF SAID SECTION 82, BLOCK 341, BEING THE SOUTHWEST CORNER OF SECTION 74, BLOCK 341, A 640 ACRE TRACT OF LAND CONVEYED TO LAJITAS CAPITAL PARTNERS, LLC RECORDED IN VOLUME 224, PAGE 458, DEED RECORDS, BREWSTER COUNTY, TEXAS, AND BEING THE NORTHWEST CORNER OF SECTION 75, BLOCK 341, A 640 ACRE TRACT OF LAND CONVEYED TO LAJITAS CAPITAL PARTNERS, LLC RECORDED IN VOLUME 224, PAGE 458, DEED RECORDS, BREWSTER COUNTY, TEXAS, PASSING AT 9,236.11, THE SOUTHEAST CORNER OF SAID SECTION 74, BLOCK 341, BEING THE NORTHEAST CORNER OF SAID SECTION 75, BLOCK 341, BEING THE SOUTHWEST CORNER OF SECTION 64, BLOCK 341, A 640 ACRE TRACT OF LAND CONVEYED TO LAJITAS CAPITAL PARTNERS RECORDED IN VOLUME 224, PAGE 458, DEED RECORDS, BREWSTER COUNTY, TEXAS, AND BEING THE NORTHWEST CORNER OF SECTION 63, BLOCK 341, A 640 ACRE TRACT OF LAND CONVEYED TO LAJITAS CAPITAL PARTNERS, LLC RECORDED IN VOLUME 224, PAGE 458, DEED RECORDS, BREWSTER COUNTY, TEXAS, AND CONTINUING A TOTAL DISTANCE OF 13,194.46 FEET TO A POINT FOR CORNER; THENCE N01°07'48"E, A DISTANCE OF 5,277.78 FEET TO A POINT FOR CORNER IN THE NORTH LINE OF SAID SECTION 64, BLOCK 341; THENCE S88°52'12"E, ALONG THE NORTH LINE OF SAID SECTION 64, BLOCK 341 BEING THE SOUTH LINE OF SECTION 72, BLOCK 341, T.C. RY. CO. SURVEY, BREWSTER COUNTY, TEXAS, A DISTANCE OF 1,319.44 FEET TO A POINT FOR CORNER BEING THE NORTHEAST CORNER OF SAID SECTION 64, BLOCK 341, THE SOUTHEAST CORNER OF SAID SECTION 72, BLOCK 341, THE SOUTHWEST CORNER OF SECTION 71, BLOCK 341, A 640 ACRE TRACT OF LAND CONVEYED TO LAJITAS CAPITAL PARTNERS, LLC RECORDED IN VOLUME 224, PAGE 502, DEED RECORDS, BREWSTER COUNTY, TEXAS, AND BEING THE NORTHWEST CORNER OF A TRACT OF LAND IN SECTION 65, BLOCK 341 CONVEYED TO RAYMOND WAYNE PAULY RECORDED IN VOLUME 96, PAGE 308, DEED RECORDS, BREWSTER COUNTY, TEXAS; THENCE S01°07'48"W, ALONG THE EAST LINE OF SAID SECTION 64, BLOCK 341, PASSING AT A DISTANCE OF 5,277.78 FEET THE SOUTH LINE OF SAID SECTION 64, BLOCK 341, BEING THE NORTH LINE OF SAID SECTION 63, BLOCK 341, AND CONTINUING A TOTAL DISTANCE OF 6,277.78 FEET TO A POINT FOR CORNER; THENCE N88°52'12"W PASSING AT 5,277.78 FEET, THE WEST LINE OF SAID SECTION 63, BLOCK 341, BEING THE EAST LINE OF SAID SECTION 75, BLOCK 341, PASSING AT 10,555.56 FEET THE WEST LINE

OF SAID SECTION 75, BLOCK 341, BEING THE EAST LINE OF SAID SECTION 82, BLOCK 341, AND CONTINUING A TOTAL DISTANCE OF 14,513.90 FEET TO A POINT FOR CORNER;

THENCE S01°07'48"W PASSING AT 4,277.78 FEET, THE SOUTH LINE OF SAID SECTION 82, BLOCK 341, BEING THE NORTH LINE OF SECTION 81, BLOCK 341, A 640 ACRE TRACT OF LAND LOCATED IN THE T.C. RY. CO. SURVEY, BREWSTER COUNTY CONVEYED TO LAJITAS CAPITAL PARTNERS, LLC RECORDED IN VOLUME 224, PAGE 458, DEED RECORDS, BREWSTER COUNTY, TEXAS, AND CONTINUING A TOTAL DISTANCE OF 9,555.53 FEET TO A POINT FOR CORNER IN THE SOUTH LINE OF SAID SECTION 81, BLOCK 341;

THENCE N88°52'12"W ALONG THE SOUTH LINE OF SAID SECTION 81, BLOCK 341, A DISTANCE OF 1,319.44 FEET TO A POINT FOR CORNER BEING THE SOUTHWEST CORNER OF SAID SECTION 81, BLOCK 341, AND BEING THE SOUTHEAST CORNER OF PART OF A 440 ACRE TRACT OF LAND IN SECTION 88, BLOCK 341 IN THE T.C. RY.CO. SURVEY, BREWSTER COUNTY CONVEYED TO LAJITAS CAPITAL PARTNERS, LLC RECORDED IN VOLUME 224, PAGE 502, DEED RECORDS, BREWSTER COUNTY, TEXAS;

THENCE N01°07'48"E ALONG THE EAST LINE OF SAID SECTION 88, BLOCK 341 BEING THE WEST LINE OF SAID SECTION 81, BLOCK 341 PASSING AT 5,277.78 FEET THE NORTH LINE OF SAID SECTIONS 81 AND 88 BLOCK 341, BEING THE SOUTH LINE OF SAID SECTION 82, BLOCK 341, AND SECTION 87, BLOCK 341, A 640 ACRE TRACT OF LAND LOCATED IN THE T.C. RY. CO. SURVEY, BREWSTER COUNTY CONVEYED TO LAJITAS CAPITAL PARTNERS, LLC RECORDED IN VOLUME 224, PAGE 458, DEED RECORDS, BREWSTER COUNTY, TEXAS, AND CONTINUING A TOTAL DISTANCE OF 10,555.56 FEET TO A POINT FOR CORNER BEING THE NORTHWEST CORNER OF SAID SECTION 82, BLOCK 341, BEING THE NORTHEAST CORNER OF SAID SECTION 87, BLOCK 341, BEING THE SOUTHWEST CORNER OF SAID SECTION 83, BLOCK, AND BEING THE SOUTHEAST CORNER OF SAID SECTION 86, BLOCK 341;

THENCE N88°52'12"W ALONG THE NORTH LINE OF SAID SECTION 87, BLOCK 341 BEING THE SOUTH LINE OF SAID SECTION 86, BLOCK 341, A DISTANCE OF 4,618.06 FEET TO A POINT FOR CORNER;

THENCE S01°07'48"W PASSING AT 5,277.78 FEET, THE SOUTH LINE OF SAID SECTION 87, BLOCK 341 BEING THE NORTH LINE OF SAID SECTION 88, BLOCK 341 CONTINUING A TOTAL DISTANCE OF 5,607.64 FEET TO A POINT FOR CORNER IN SAID 440 ACRE TRACT OF LAND IN SAID SECTION 88, BLOCK 341;

THENCE N88°52'12"W, A DISTANCE OF 659.72 FEET TO A POINT FOR CORNER IN THE WEST LINE OF SAID SECTION 88, BLOCK 341, BEING IN THE EAST LINE OF SECTION 93, BLOCK 341, T.C RY. CO. SURVEY BREWSTER COUNTY, TEXAS, A 618.88 ACRE TRACT OF LAND

CONVEYED TO LAJITAS CAPITAL PARTNERS, LLC RECORDED IN VOLUME 224, PAGE 458, DEED RECORDS, BREWSTER COUNTY, TEXAS;

THENCE S01°07'48"W, ALONG THE EAST LINE OF SAID SECTION 93, BLOCK 341, BEING THE WEST LINE OF SAID SECTION 88, BLOCK 341, A DISTANCE OF 1,051.38 FEET TO A POINT FOR CORNER;

THENCE N89°27'31"W PASSING AT 5,272.25 FEET, THE WEST LINE OF SAID SECTION 93, BLOCK 341 BEING THE EAST LINE OF SECTION 92, BLOCK 341 T.C. RY. CO. SURVEY, BREWSTER COUNTY, A 419.6 ACRE TRACT OF LAND CONVEYED TO LAJITAS CAPITAL PARTNERS, LLC RECORDED IN VOLUME 224, PAGE 458, DEED RECORDS, BREWSTER COUNTY, TEXAS AND CONTINUING A TOTAL DISTANCE OF 9,614.91 FEET TO A UNITED STATES DEPARTMENT OF THE INTERIOR MONUMENT MARKING THE NORTHEAST CORNER OF SECTION 39, BLOCK 341, T.C. RY. CO. SURVEY, BREWSTER COUNTY, TEXAS;

THENCE N89°27'27"W ALONG THE NORTH LINE OF SAID SECTION 39, A DISTANCE OF 2,634.23 FEET TO A POINT FOR CORNER BEING THE NORTHWEST CORNER OF SECTION 39, BLOCK 341 AND BEING IN THE EAST LINE OF SECTION 37, BLOCK 341, PART OF A 201.84 ACRE TRACT OF LAND IN SECTIONS 36, 37, AND 100 CONVEYED TO LAJITAS CAPITAL PARTNERS, LLC RECORDED IN VOLUME 224, PAGE 502, DEED RECORDS, BREWSTER COUNTY, TEXAS;

THENCE N71°35'00"W, DEPARTING THE EAST LINE OF SAID SECTION 37, BLOCK 341 AND CONTINUING ACROSS SAID SECTION 37, BLOCK 341, A DISTANCE OF 2,618.38 FEET TO A POINT FOR CORNER;

THENCE N27°10'25"W PASSING AT APPROXIMATELY 263 FEET, THE EAST LINE OF SAID SECTION 36, BLOCK 341 AND CONTINUING A TOTAL DISTANCE OF 2,314.62 FEET TO A POINT FOR CORNER BEING THE SOUTHWEST CORNER OF A 52.918 ACRE TRACT OF LAND IN SECTION 36, BLOCK 341 CONVEYED TO LAJITAS CAPITAL PARTNERS, LLC RECORDED IN VOLUME 224, PAGE 458, DEED RECORDS, BREWSTER COUNTY, TEXAS;

THENCE N26°12'29"W ALONG THE SOUTHWESTERLY LINE OF SAID 52.918 ACRE TRACT, A DISTANCE OF 876.56 FEET TO A POINT FOR CORNER;

THENCE N01°07'48"E, PASSING AT APPROXIMATELY 1,273 FEET, THE NORTH LINE OF SAID 52.918 ACRE LAND AND THE SOUTH LINE OF A CALLED 359.313 ACRE TRACT OF LAND IN SECTIONS 36, 37, AND 100, BLOCK 341 AS DESCRIBED IN DEED CONVEYED TO LAJITAS CAPITAL PARTNERS, LLC RECORDED IN VOLUME 224, PAGE 502, DEED RECORDS, BREWSTER COUNTY, TEXAS, AND CONTINUING A TOTAL DISTANCE OF 5,035.59 FEET TO A POINT FOR CORNER;

THENCE S88°52'12"E, A DISTANCE OF 1,375.22 FEET TO A POINT FOR CORNER IN THE EAST LINE OF SAID SECTION 36, BLOCK 341 BEING IN THE WEST LINE OF SAID SECTION 100, BLOCK 341;

THENCE S01°07'48"W, A DISTANCE OF 3,759.90 FEET TO A POINT FOR CORNER IN THE WEST LINE OF SAID SECTION 37, BLOCK 341;

THENCE N88°52'12"W, A DISTANCE OF 779.27 FEET TO A POINT FOR CORNER, SAID CORNER BEING THE NORTHEAST CORNER OF SAID 52.918 ACRE TRACT OF LAND;

THENCE S01°07'48"W ALONG THE EAST LINE OF SAID 52.918 ACRE TRACT OF LAND , A DISTANCE OF 1,172.25 FEET TO A POINT FOR CORNER;

THENCE S19°23'42"W CONTINUING ALONG THE EAST LINE OF SAID 52.918 ACRE TRACT, A DISTANCE OF 222.85 FEET TO A POINT FOR CORNER;

THENCE S11°23'22"W CONTINUING ALONG THE EASTERLY LINE OF SAID 52.918 ACRE TRACT, A DISTANCE OF 523.85 FEET TO A POINT FOR CORNER IN THE EAST LINE OF SAID 52.918 ACRE TRACT;

THENCE S27°10'25"E, DEPARTING THE EASTERLY LINE OF SAID 52.918 ACRE TRACT OF LAND , ACROSS SAID SECTION 36, BLOCK 341, A DISTANCE OF 2,394.95 FEET TO A POINT FOR CORNER;

THENCE S71°35'00"E ACROSS SAID SECTION 37, BLOCK 341, A DISTANCE OF 2,561.61 FEET TO A POINT FOR CORNER;

THENCE S89°27'27"E, A DISTANCE OF 2,619.75 FEET TO A POINT FOR CORNER;

THENCE N01°07'48"E A DISTANCE OF 2,303.36 FEET TO A POINT IN THE NORTH LINE OF SAID SECTION 92, BLOCK 341 BEING THE SOUTH LINE OF SECTION MC-1, PART OF A 84.62 ACRE TRACT OF LAND CONVEYED TO LAJITAS CAPITAL PARTNERS, LLC RECORDED IN VOLUME 224, PAGE 458, DEED RECORDS, BREWSTER COUNTY, TEXAS;

THENCE S88°52'12"E ALONG THE NORTH LINE OF SAID SECTION 92, BLOCK 341, BEING THE SOUTH LINE OF SECTION MC-1, BLOCK 341, A DISTANCE OF 4,336.93 FEET TO A POINT FOR CORNER BEING THE NORTHEAST CORNER OF SAID SECTION 92, BLOCK 341 AND THE SOUTHEAST CORNER OF SAID SECTION MC-1, BLOCK 341;

THENCE S01°07'48"W ALONG THE EAST LINE OF SAID SECTION 92, BLOCK 341, A DISTANCE OF 924.38 FEET TO A POINT FOR CORNER BEING THE SOUTHWEST CORNER OF SAID SECTION 94, BLOCK 341 AND THE NORTHWEST CORNER OF SAID SECTION 93, BLOCK 341;

THENCE S88°52'12"E, ALONG THE NORTH LINE OF SAID SECTION 93, BLOCK 341 BEING THE SOUTH LINE OF SAID SECTION 94, BLOCK 341, A DISTANCE OF 5,277.78 FEET TO A POINT FOR CORNER BEING THE NORTHEAST CORNER OF SAID SECTION 93, BLOCK 341, BEING THE SOUTHEAST CORNER OF SAID SECTION 94, BLOCK 341, BEING THE NORTHWEST CORNER OF SAID SECTION 88, BLOCK 341, AND BEING THE SOUTHWEST CORNER OF SAID SECTION 87, BLOCK 341;

THENCE N01°07'48"E ALONG THE EAST LINE OF SAID SECTION 94, BLOCK 341 BEING THE WEST LINE OF SAID SECTION 87, BLOCK 341, A DISTANCE OF 5,277.78 FEET TO A POINT FOR CORNER BEING THE

NORTHEAST CORNER OF SAID SECTION 94, BLOCK 341, BEING THE NORTHWEST CORNER OF SAID SECTION 87, BLOCK 341, BEING THE SOUTHEAST CORNER OF SAID SECTION 95, BLOCK 341, AND BEING THE SOUTHWEST CORNER OF SAID SECTION 86, BLOCK 341; THENCE N88°52'12"W ALONG THE NORTH LINE OF SAID SECTION 94, BLOCK 341 BEING THE SOUTH LINE OF SAID SECTION 95, BLOCK 341, A DISTANCE OF 5,277.78 FEET TO THE POINT OF BEGINNING AND CONTAINING 2,763 ACRES, MORE OR LESS.

THE BASIS OF BEARINGS IS THE NORTH AMERICAN DATUM (NAD) OF 1983 (1993), GRID BEARINGS, TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE 4204, CORS96, EPOCH 2002.00.

SECTION 3. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 4. (a) Section 11002.107, Special District Local Laws Code, as added by this Act, takes effect only if this Act receives a two-thirds vote of all the members elected to each house.

(b) If this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 11002, Special District Local Laws Code, as added by this Act, is amended by adding Section 11002.107 to read as follows:

Sec. 11002.107. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

(c) This section is not intended to be an expression of a legislative interpretation of the requirements of Section 17(c), Article I, Texas Constitution.

SECTION 5. Except as otherwise provided by this Act:

(1) this Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution; and

(2) if this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2011.

**HB 2102 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Hernandez Luna called up with senate amendments for consideration at this time,

HB 2102, A bill to be entitled An Act relating to the requirement that certain health benefit plans provide coverage for supplemental breast cancer screening.

Representative Hernandez Luna moved to concur in the senate amendments to **HB 2102**.

The motion to concur in the senate amendments to **HB 2102** prevailed by (Record 1589): 136 Yeas, 5 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Castro; Chisum; 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; 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; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Thompson; Torres; Truitt; Turner; Villarreal; Vo; White; Woolley; Workman; Zedler; Zerwas.

Nays — Carter; Legler; Phillips; Taylor, V.; Weber.

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

Absent, Excused — Burnam; Christian; Garza; Miles; Price.

Absent — Veasey; Walle.

Senate Committee Substitute

CSHB 2102, A bill to be entitled An Act relating to the requirement that certain mammography reports contain information regarding supplemental breast cancer screening.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
SECTION 1. This Act shall be known as Henda's Law.

SECTION 2. Subchapter B, Chapter 86, Health and Safety Code, is amended by adding Section 86.013 to read as follows:

Sec. 86.013. INFORMATION ON SUPPLEMENTAL BREAST CANCER SCREENING. (a) On completion of a mammogram, a mammography facility certified by the United States Food and Drug Administration or by a certification agency approved by the United States Food and Drug Administration shall provide to the patient the following notice:

"If your mammogram demonstrates that you have dense breast tissue, which could hide abnormalities, and you have other risk factors for breast cancer that have been identified, you might benefit from supplemental screening tests that may be suggested by your ordering physician.

"Dense breast tissue, in and of itself, is a relatively common condition. Therefore, this information is not provided to cause undue concern, but rather to raise your awareness and to promote discussion with your physician regarding the presence of other risk factors, in addition to dense breast tissue.

"A report of your mammography results will be sent to you and your physician. You should contact your physician if you have any questions or concerns regarding this report."

(b) Notwithstanding any other law, this section does not create a cause of action or create a standard of care, obligation, or duty that provides a basis for a cause of action.

(c) The information required by this section or evidence that a person violated this section is not admissible in a civil, judicial, or administrative proceeding.

SECTION 3. A mammography facility is not required to comply with the requirements of Section 86.013, Health and Safety Code, as added by this Act, until January 1, 2012.

SECTION 4. This Act takes effect September 1, 2011.

HB 680 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Schwertner called up with senate amendments for consideration at this time,

HB 680, A bill to be entitled An Act relating to complaints filed with the Texas Medical Board.

Representative Schwertner moved to concur in the senate amendments to **HB 680**.

The motion to concur in the senate amendments to **HB 680** prevailed by (Record 1590): 140 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Castro; Chisum; 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; 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; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker;

Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Burnam; Christian; Garza; Miles; Price.

Absent — Alonzo; Shelton; Walle.

Senate Committee Substitute

CSHB 680, A bill to be entitled An Act relating to complaints filed with the Texas Medical Board.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 154.051, Occupations Code, is amended by adding Subsections (d) and (e) to read as follows:

(d) The board may not consider or act on a complaint involving care provided more than seven years before the date on which the complaint is received by the board unless the care was provided to a minor. If the care was provided to a minor, the board may not consider or act on a complaint involving the care after the later of:

(1) the date the minor is 21 years of age; or

(2) the seventh anniversary of the date of the care.

(e) On receipt of a complaint, the board may consider a previously investigated complaint to determine whether there is a pattern of practice violating this subtitle.

SECTION 2. Subchapter B, Chapter 154, Occupations Code, is amended by adding Section 154.0535 to read as follows:

Sec. 154.0535. **REQUIREMENTS FOR CERTAIN COMPLAINTS.** (a) In this section:

(1) "Anonymous complaint" means a complaint that lacks sufficient information to identify the source or the name of the person who filed the complaint.

(2) "Insurance agent" means a person licensed under Chapter 4054, Insurance Code.

(3) "Insurer" means an insurance company or other entity authorized to engage in the business of insurance under Subtitle C, Title 6, Insurance Code.

(4) "Third-party administrator" means a person required to have a certificate of authority under Chapter 4151, Insurance Code.

(b) The board may not accept anonymous complaints.

(c) Notwithstanding any confidentiality requirements under Chapter 552, Government Code, this subtitle, or rules adopted under this subtitle, a complaint filed with the board by an insurance agent, insurer, pharmaceutical company, or third-party administrator against a physician must include the name and address of the insurance agent, insurer, pharmaceutical company, or third-party administrator filing the complaint. Not later than the 15th day after the date the

complaint is filed with the board, the board shall notify the physician who is the subject of the complaint of the name and address of the insurance agent, insurer, pharmaceutical company, or third-party administrator who filed the complaint, unless the notice would jeopardize an investigation.

SECTION 3. Section 154.057(b), Occupations Code, is amended to read as follows:

(b) The board shall complete a preliminary investigation of the complaint not later than the 45th ~~[30th]~~ day after the date of receiving the complaint. The board shall first determine whether the physician constitutes a continuing threat to the public welfare. On completion of the preliminary investigation, the board shall determine whether to officially proceed on the complaint. If the board fails to complete the preliminary investigation in the time required by this subsection, the board's official investigation of the complaint is considered to commence on that date.

SECTION 4. Subchapter A, Chapter 164, Occupations Code, is amended by adding Section 164.0015 to read as follows:

Sec. 164.0015. REMEDIAL PLAN. (a) In addition to the authority under Sections 164.001 and 164.002, the board may issue and establish the terms of a remedial plan to resolve the investigation of a complaint relating to this subtitle.

(b) A remedial plan may not contain a provision that:

(1) revokes, suspends, limits, or restricts a person's license or other authorization to practice medicine; or

(2) assesses an administrative penalty against a person.

(c) A remedial plan may not be imposed to resolve a complaint:

(1) concerning:

(A) a patient death;

(B) the commission of a felony; or

(C) a matter in which the physician engaged in inappropriate sexual behavior or contact with a patient or became financially or personally involved with a patient in an inappropriate manner; or

(2) in which the appropriate resolution may involve a restriction on the manner in which a license holder practices medicine.

(d) The board may not issue a remedial plan to resolve a complaint against a license holder if the license holder has previously entered into a remedial plan with the board for the resolution of a different complaint relating to this subtitle.

(e) The board may assess a fee against a license holder participating in a remedial plan in an amount necessary to recover the costs of administering this plan.

(f) The board shall adopt rules necessary to implement this section.

SECTION 5. Sections 164.002(c) and (d), Occupations Code, are amended to read as follows:

(c) An agreed disposition is a disciplinary order for purposes of reporting under this subtitle and of administrative hearings and proceedings by state and federal regulatory agencies regarding the practice of medicine. An agreed disposition or a remedial plan under Section 164.0015 is public information.

(d) In civil litigation, an agreed disposition or a remedial plan under Section 164.0015 is a settlement agreement under Rule 408, Texas Rules of Evidence. This subsection does not apply to a license holder who has previously entered into an agreed disposition with the board of a different disciplinary matter or whose license the board is seeking to revoke.

SECTION 6. Section 164.003, Occupations Code, is amended by amending Subsections (b) and (f) and adding Subsection (i) to read as follows:

(b) Rules adopted under this section must require that:

(1) an informal meeting in compliance with Section 2001.054, Government Code, be scheduled not later than the 180th day after the date the board's official investigation of the complaint is commenced as provided by Section 154.057(b), unless good cause is shown by the board for scheduling the informal meeting after that date;

(2) the board give notice to the license holder of the time and place of the meeting not later than the 45th ~~[30th]~~ day before the date the meeting is held;

(3) the complainant and the license holder be provided an opportunity to be heard;

(4) at least one of the board members or district review committee members participating in the informal meeting as a panelist be a member who represents the public;

(5) the board's legal counsel or a representative of the attorney general be present to advise the board or the board's staff; and

(6) a member of the board's staff be at the meeting to present to the board's representative the facts the staff reasonably believes it could prove by competent evidence or qualified witnesses at a hearing.

(f) The notice required by Subsection (b)(2) must be accompanied by a written statement of the nature of the allegations and the information the board intends to use at the meeting. If the board does not provide the statement or information at that time, the license holder may use that failure as grounds for rescheduling the informal meeting. If the complaint includes an allegation that the license holder has violated the standard of care, the notice must include a copy of the report by the expert physician reviewer. The license holder must provide to the board the license holder's rebuttal at least 15 ~~[five]~~ business days before the date of the meeting in order for the information to be considered at the meeting.

(i) On request by a physician under review, the board shall make a recording of the informal settlement conference proceeding. The recording is a part of the investigative file and may not be released to a third party unless authorized under this subtitle. The board may charge the physician a fee to cover the cost of recording the proceeding.

SECTION 7. Sections 164.007(a) and (a-1), Occupations Code, are amended to read as follows:

(a) The board by rule shall adopt procedures governing formal disposition of a contested case under Chapter 2001, Government Code. A formal hearing shall be conducted by an administrative law judge employed by the State Office of Administrative Hearings. After receiving the administrative law judge's

findings of fact and conclusions of law, the board shall dispose of the contested case by issuing a final order based on the administrative law judge's findings of fact and conclusions of law [~~determine the charges on the merits~~].

(a-1) Notwithstanding Section 2001.058(e), Government Code, the [~~The~~] board may not change a finding of fact or conclusion of law or vacate or modify an order of the administrative law judge. The board may obtain judicial review of any finding of fact or conclusion of law issued by the administrative law judge as provided by Section 2001.058(f)(5), Government Code. For each case, the board has the sole authority and discretion to determine the appropriate action or sanction, and the administrative law judge may not make any recommendation regarding the appropriate action or sanction [~~only if the board makes a determination required by Section 2001.058(e), Government Code~~].

SECTION 8. (a) Sections 154.051, 154.057, and 164.003, Occupations Code, as amended by this Act, and Section 154.0535, Occupations Code, as added by this Act, apply only to the investigation of a complaint filed on or after the effective date of this Act. The investigation of a complaint filed before that date is governed by the law in effect on the date the complaint was filed, and that law is continued in effect for that purpose.

(b) The Texas Medical Board shall adopt rules under Section 164.0015, Occupations Code, as added by this Act, not later than January 1, 2012.

(c) Section 164.0015, Occupations Code, as added by this Act, applies only to a complaint under Subtitle B, Title 3, Occupations Code, filed on or after the effective date of this Act. A complaint under Subtitle B, Title 3, Occupations Code, filed before that date is governed by the law in effect on the date the complaint was filed, and that law is continued in effect for that purpose.

(d) Sections 164.007(a) and (a-1), Occupations Code, as amended by this Act, apply only to a contested case for which an administrative law judge employed by the State Office of Administrative Hearings issues written findings of fact and conclusions of law on or after the effective date of this Act. A contested case for which an administrative law judge employed by the State Office of Administrative Hearings issues written findings of fact and conclusions of law before the effective date of this Act is governed by the law in effect on the date the findings of fact and conclusions of law were issued, and the former law is continued in effect for that purpose.

SECTION 9. This Act takes effect September 1, 2011.

HB 992 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Castro called up with senate amendments for consideration at this time,

HB 992, A bill to be entitled An Act relating to excess undergraduate credit hours at public institutions of higher education.

Representative Castro moved to concur in the senate amendments to **HB 992**.

The motion to concur in the senate amendments to **HB 992** prevailed by (Record 1591): 107 Yeas, 32 Nays, 3 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Aycock; Berman; Bohac; Branch; Brown; Callegari; Castro; Chisum; Craddick; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hardcastle; Harless; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hunter; Isaac; Jackson; Johnson; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Legler; Lozano; Lucio; Lyne; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Peña; Phillips; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Schwertner; Scott; Sheffield; Shelton; Smith, W.; Smithee; Solomons; Strama; Thompson; Torres; Truitt; Turner; Villarreal; Vo; Woolley; Workman; Zerwas.

Nays — Anderson, C.; Anderson, R.; Beck; Bonnen; Burkett; Button; Cain; Carter; Cook; Creighton; Davis, S.; Driver; Hancock; Harper-Brown; Hughes; Landtroop; Laubenberg; Lavender; Madden; Miller, D.; Miller, S.; Paxton; Perry; Riddle; Sheets; Simpson; Smith, T.; Taylor, L.; Taylor, V.; Weber; White; Zedler.

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

Absent, Excused — Burnam; Christian; Garza; Miles; Price.

Absent — Coleman; Veasey; Walle.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1591. I intended to vote no.

Bohac

I was shown voting yes on Record No. 1591. I intended to vote no.

Craddick

I was shown voting yes on Record No. 1591. I intended to vote no.

Gooden

I was shown voting yes on Record No. 1591. I intended to vote no.

Harless

I was shown voting yes on Record No. 1591. I intended to vote no.

Huberty

I was shown voting yes on Record No. 1591. I intended to vote no.

Kolkhorst

I was shown voting yes on Record No. 1591. I intended to vote no.

Schwertner

I was shown voting yes on Record No. 1591. I intended to vote no.

Truitt

Senate Committee Substitute

CSHB 992, A bill to be entitled An Act relating to excess undergraduate credit hours at public institutions of higher education.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 51.907, Education Code, is amended by adding Subsection (g) to read as follows:

(g) An institution of higher education shall provide written notice to each undergraduate student of the provisions of this section before the end of the first semester in which the student is enrolled in the institution. The notice required by this subsection may be delivered by electronic mail or other method of written communication, as determined by the institution.

SECTION 2. Section 61.0595(d), Education Code, is amended to read as follows:

(d) The following are not counted for purposes of determining whether the student has previously earned the number of semester credit hours specified by Subsection (a):

(1) semester credit hours earned by the student before receiving a baccalaureate degree that has previously been awarded to the student;

(2) semester credit hours earned by the student by examination or under any other procedure by which credit is earned without registering for a course for which tuition is charged;

(3) credit for a remedial education course, a technical course, a workforce education course funded according to contact hours, or another course that does not count toward a degree program at the institution;

(4) semester credit hours earned by the student at a private institution or an out-of-state institution; ~~and~~

(5) semester credit hours earned by the student before graduating from high school and used to satisfy high school graduation requirements; and

(6) semester credit hours earned by the student before receiving an associate degree that has been previously awarded to the student in excess of the number of semester credit hours required for the completion of that degree.

SECTION 3. The change in law made by this Act to Section 61.0595, Education Code, applies beginning with the funding recommendations made under Section 61.059, Education Code, for the 2013-2014 academic year.

SECTION 4. The change in law made by this Act to Section 51.907, Education Code, applies beginning with the fall 2011 semester.

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2011.

HB 2327 - CONFERENCE COMMITTEE APPOINTED

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 2327**: McClendon, chair; Fletcher, Harper-Brown, Pickett, and Rodriguez.

**HB 3025 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

Representative Branch called up with senate amendments for consideration at this time,

HB 3025, A bill to be entitled An Act relating to measures to facilitate the transfer of students within the public higher education system and the timely graduation of students from public institutions of higher education.

Representative Branch moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 3025**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 3025**: Branch, chair; Bonnen, D. Howard, Johnson, and Ritter.

**HB 3395 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Callegari called up with senate amendments for consideration at this time,

HB 3395, A bill to be entitled An Act relating to state purchasing preferences for recycled products.

Representative Callegari moved to concur in the senate amendments to **HB 3395**.

The motion to concur in the senate amendments to **HB 3395** prevailed by (Record 1592): 140 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Castro; Chisum; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; 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; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker;

Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; 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; Woolley; Workman; Zedler; Zerwas.

Nays — Hochberg.

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

Absent, Excused — Burnam; Christian; Garza; Miles; Price.

Absent — Dutton; Walle.

Senate Committee Substitute

CSHB 3395, A bill to be entitled An Act relating to state purchasing preferences for recycled products and to the efficient operation of certain telecommunications entities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 2155.445(a), Government Code, is amended to read as follows:

(a) The commission and state agencies shall give preference to recycled, remanufactured, or environmentally sensitive products, as those terms are defined by rule of the commission, in purchases made under this subtitle if:

(1) the product meets state specifications regarding quantity and quality; and

(2) the average price of the product is not more than 10 percent greater than the price of comparable nonrecycled products.

SECTION 2. Section 2155.446, Government Code, is amended to read as follows:

Sec. 2155.446. PURCHASE AND USE OF PAPER CONTAINING RECYCLED FIBERS. (a) Subject to Subsection (c), the ~~The~~ commission shall contract for paper containing the highest proportion of recycled fibers for all purposes for which paper with recycled fibers may be used and to the extent that the paper is available ~~[at a reasonable price]~~ through normal commercial sources to supply the state's needs.

(b) Subject to Subsection (c), a ~~A~~ state agency that purchases through the commission shall place orders for papers containing recycled fibers to the highest extent of its needs and to the extent that the paper is available through the commission's purchasing procedures.

(c) This section does not apply if the average price of paper with recycled fibers exceeds by more than 10 percent the price of comparable nonrecycled paper.

SECTION 3. Section 2170.005(a), Government Code, is amended to read as follows:

(a) To ensure efficient operation of the consolidated telecommunications system at minimum cost to the state, the department shall adopt and disseminate to all agencies appropriate guidelines and[;] operating procedures[;] and may publish telephone directories listed under Subchapter I, Chapter 55, Utilities Code, Sections 55.202 and 55.203 on a state Internet website.

SECTION 4. Subchapter I, Chapter 55, Utilities Code, is amended by adding Section 55.204 to read as follows:

Sec. 55.204. ELECTRONIC TELEPHONE DIRECTORY. (a) Notwithstanding any other law, a telecommunication provider or telecommunications utility to further the recycling goals, may publish on the provider's or the utility's Internet website a telephone directory or directory listing instead of providing for general distribution to the public of printed directories or listings.

(b) A provider or utility that publishes a telephone directory or directory listing as described by Subsection (a) shall provide a print or digital copy of the directory or listing to a customer on request. If a provider or utility exercises this option, it shall notify its customers that provider or utility shall provide the first print or digital copy requested by a customer in each calendar year at no charge to the customer.

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2011.

HB 3453 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Anchia called up with senate amendments for consideration at this time,

HB 3453, A bill to be entitled An Act relating to the regulatory authority of the consumer credit commissioner.

Representative Anchia moved to concur in the senate amendments to **HB 3453**.

The motion to concur in the senate amendments to **HB 3453** prevailed by (Record 1593): 77 Yeas, 62 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Castro; Chisum; Crownover; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Eissler; Farias; Farrar; Fletcher; Gallego; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hardcastle; Hartnett; Hernandez Luna; Hochberg; Hopson; Howard, D.; Hunter; Isaac; Jackson; Johnson; King, S.; King, T.; Kuempel; Larson; Lozano; Lucio; Lyne; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Muñoz; Naishtat; Oliveira; Orr; Otto; Patrick; Peña; Pickett; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Simpson; Smithee; Solomons; Strama; Thompson; Torres; Turner; Veasey; Villarreal; Vo.

Nays — Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Cook; Craddick; Creighton; Darby; Driver; Elkins; Flynn; Frullo; Geren; Hamilton; Hancock; Harless; Harper-Brown; Hilderbran; Howard, C.; Huberty; Hughes; King, P.; Kleinschmidt; Kolkhorst; Landtroop; Laubenberg; Lavender; Legler; Lewis; Madden; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Parker; Paxton; Perry; Phillips; Pitts; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Taylor, V.; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Burnam; Christian; Garza; Miles; Price.

Absent — Coleman; Taylor, L.; Truitt; Walle.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1593. I intended to vote no.

Gooden

I was shown voting yes on Record No. 1593. I intended to vote no.

Peña

I was shown voting yes on Record No. 1593. I intended to vote no.

Solomons

When Record No. 1593 was taken, I was in the house but away from my desk. I would have voted no.

L. Taylor

When Record No. 1593 was taken, my vote failed to register. I would have voted yes.

Truitt

Senate Committee Substitute

CSHB 3453, A bill to be entitled An Act relating to the regulatory authority of the consumer credit commissioner and to fees and interest charged in connection with consumer credit transactions.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 14.2015, Finance Code, is amended to read as follows:

Sec. 14.2015. CONFIDENTIALITY OF CERTAIN INFORMATION. (a) Except as provided by Subsection (b), information or material obtained or compiled by the commissioner in relation to an examination or investigation by the commissioner or the commissioner's representative of a license holder, ~~or~~ registrant, applicant, or other person under Subtitle B or C, Title 4, or Chapter 394 is confidential and may not be disclosed by the commissioner or an officer or employee of the Office of Consumer Credit Commissioner, including:

(1) information obtained from a license holder, [✗] registrant, applicant, or other person examined or investigated under Subtitle B or C, Title 4, or Chapter 394;

(2) work performed by the commissioner or the commissioner's representative on information obtained from a license holder, [✗] registrant, applicant, or other person for the purposes of an examination or investigation conducted under Subtitle B or C, Title 4, or Chapter 394;

(3) a report on an examination or investigation of a license holder, [✗] registrant, applicant, or other person conducted under Subtitle B or C, Title 4, or Chapter 394; and

(4) any written communications between the license holder, [✗] registrant, applicant, or other person, as applicable, and the commissioner or the commissioner's representative relating to or referencing an examination or investigation conducted under Subtitle B or C, Title 4, or Chapter 394.

(b) The commissioner or the commissioner's representative may disclose the confidential information or material described by Subsection (a):

(1) to a department, agency, or instrumentality of this state or the United States if the commissioner considers disclosure to be necessary or proper to the enforcement of the laws of this state or the United States and in the best interest of the public;

(2) if the license holder, [✗] registrant, applicant, or other person consents to the release of the information or has published the information contained in the release; or

(3) if the commissioner determines that release of the information is required for an administrative hearing.

SECTION 2. Subchapter E, Chapter 14, Finance Code, is amended by adding Section 14.2016 to read as follows:

Sec. 14.2016. INFORMATION SHARING WITH DEPARTMENTS AND AGENCIES. To ensure consistent enforcement of law and minimization of regulatory burdens, the commissioner may share information, including criminal history or confidential information, relating to a license holder, registrant, applicant, or other person investigated or examined under the commissioner's authority with a department, agency, or instrumentality of this state, another state, or the United States if the commissioner considers the disclosure of the information to be necessary or proper to the enforcement of the laws of this state or the United States and in the best interest of the public. Information otherwise confidential remains confidential after the information is shared under this section.

SECTION 3. Section 303.009(d), Finance Code, is amended to read as follows:

(d) For an open-end account credit agreement that provides for credit card transactions on which a merchant discount is not imposed or received by the creditor or a retail charge agreement under Chapter 345 without a merchant discount, the ceiling is 21 percent a year.

SECTION 4. Section 303.203(a), Finance Code, is amended to read as follows:

(a) A lender may, at the time or after a loan is made, offer to sell to the borrower and finance in a ~~the~~ loan contract subject to this subtitle a charge for an automobile club membership.

SECTION 5. Section 342.502(d), Finance Code, is amended to read as follows:

(d) On a loan subject to this chapter a lender may assess and collect a fee that does not exceed the amount prescribed by Section 3.506, Business & Commerce Code [~~Chapter 617, Acts of the 68th Legislature, Regular Session, 1983 (Article 9022, Vernon's Texas Civil Statutes)~~], for the return by a depository institution of a dishonored check, negotiable order of withdrawal, or share draft offered in full or partial payment of a loan.

SECTION 6. The heading to Subchapter D, Chapter 345, Finance Code, is amended to read as follows:

SUBCHAPTER D. ALTERNATE FINANCE CHARGE [~~MARKET COMPETITIVE RATE~~] CEILING

SECTION 7. Section 345.155, Finance Code, is amended to read as follows:

Sec. 345.155. TIME PRICE DIFFERENTIAL COMPUTATION AND AMOUNT. (a) A time price differential authorized under Subchapter C [~~this subchapter~~] shall be computed using the average daily balance method.

(b) If the amount of a time price differential otherwise authorized under Subchapter C [~~this subchapter~~] for a billing cycle in which a balance is due is less than 75 cents a month, the holder may charge an amount that does not exceed 75 cents a month.

SECTION 8. Section 345.157(a), Finance Code, is amended to read as follows:

(a) A retail charge agreement [~~that implements the market competitive rate ceiling~~] may provide for the payment of:

- (1) a delinquency charge on each installment that is in default for a period that is longer than 21 days;
- (2) an attorney's reasonable fee if the agreement is referred for collection to an attorney who is not a salaried employee of the holder; and
- (3) court costs and disbursements.

SECTION 9. Section 346.103(a), Finance Code, is amended to read as follows:

(a) The following fees may be charged to or collected from a customer in connection with an account under this chapter:

- (1) an annual fee not to exceed:
 - (A) \$50 a year on an account with a credit limit of \$5,000 or less;
 - (B) \$75 a year on an account with a credit limit exceeding \$5,000 but not exceeding \$25,000; and
 - (C) \$125 a year on an account with a credit limit exceeding \$25,000;
- (2) a late charge not to exceed the lesser of \$15 or five percent of the payment due after the payment continues unpaid for 10 days or more after the date the payment is due, including Sundays and holidays;

(3) a cash advance charge not to exceed the greater of \$2 or two percent of the cash advance;

(4) a returned check fee as provided for a loan agreement under Chapter 342 by Section 3.506, Business & Commerce Code [~~Section 1, Chapter 617, Acts of the 68th Legislature, Regular Session, 1983 (Article 9022, Vernon's Texas Civil Statutes)~~]; and

(5) a fee for exceeding a credit limit not to exceed the greater of \$15 or five percent of the amount by which the credit limit is exceeded.

SECTION 10. Section 348.006, Finance Code, is amended by adding Subsections (e-1), (e-2), and (e-3) to read as follows:

(e-1) Except as provided by Subsections (e-2) and (e-3), the following information and documents are confidential and not subject to disclosure:

(1) all information provided by a retail seller to the commissioner under Subsection (e), including the maximum documentary fee a retail seller intends to charge, the written notice of an increased documentary fee, and any financial information submitted with the notice; and

(2) all correspondence between a retail seller and the commissioner or the commissioner's representative relating to the notice of an increased documentary fee under Subsection (e) and a review for reasonableness of the amount of the documentary fee to be charged.

(e-2) The commissioner may disclose information or documents that are confidential under Subsection (e-1) if:

(1) the commissioner determines that release of the information or documents is required for an administrative hearing;

(2) the retail seller consents to the release of the information or documents; or

(3) the disclosure is required by a court order.

(e-3) The commissioner or the commissioner's representative may disclose whether a retail seller has filed written notice of an increased documentary fee and the proposed amount of the increased fee to:

(1) a holder that provides written proof, signed by the retail seller, that the retail seller has agreed to assign or transfer one or more retail installment contracts to the holder; or

(2) a prospective retail buyer that provides to the commissioner:

(A) a buyer's order executed by the prospective buyer and the retail seller;

(B) a draft of a retail installment contract provided by the retail seller to the prospective buyer; or

(C) a written statement by the retail seller acknowledging that the person is a prospective buyer of a motor vehicle from the retail seller.

SECTION 11. Section 351.006, Finance Code, is amended to read as follows:

Sec. 351.006. ENFORCEMENT. (a) In addition to any other applicable enforcement provisions, Subchapters E, F, and G, Chapter 14, apply to a violation of this chapter or Section 32.06 or 32.065, Tax Code, in connection with property tax loans.

(b) Notwithstanding Section 14.251, the commissioner may assess an administrative penalty under Subchapter F, Chapter 14, against a person who violates Section 32.06(b-1), Tax Code, regardless of whether the violation is knowing or wilful.

SECTION 12. Section 411.081(i), Government Code, as amended by Chapters 183 (**HB 1830**), 780 (**SB 1056**), 816 (**SB 1599**), and 1027 (**HB 4343**), Acts of the 81st Legislature, Regular Session, 2009, is reenacted and amended to read as follows:

(i) A criminal justice agency may disclose criminal history record information that is the subject of an order of nondisclosure under Subsection (d) to the following noncriminal justice agencies or entities only:

- (1) the State Board for Educator Certification;
- (2) a school district, charter school, private school, regional education service center, commercial transportation company, or education shared service arrangement;
- (3) the Texas Medical Board;
- (4) the Texas School for the Blind and Visually Impaired;
- (5) the Board of Law Examiners;
- (6) the State Bar of Texas;
- (7) a district court regarding a petition for name change under Subchapter B, Chapter 45, Family Code;
- (8) the Texas School for the Deaf;
- (9) the Department of Family and Protective Services;
- (10) the Texas Youth Commission;
- (11) the Department of Assistive and Rehabilitative Services;
- (12) the Department of State Health Services, a local mental health service, a local mental retardation authority, or a community center providing services to persons with mental illness or retardation;
- (13) the Texas Private Security Board;
- (14) a municipal or volunteer fire department;
- (15) the Texas Board of Nursing;
- (16) a safe house providing shelter to children in harmful situations;
- (17) a public or nonprofit hospital or hospital district;
- (18) the Texas Juvenile Probation Commission;
- (19) the securities commissioner, the banking commissioner, the savings and mortgage lending commissioner, the consumer credit commissioner, or the credit union commissioner;
- (20) the Texas State Board of Public Accountancy;
- (21) the Texas Department of Licensing and Regulation;
- (22) the Health and Human Services Commission;
- (23) the Department of Aging and Disability Services;
- (24) the Texas Education Agency; ~~and~~
- (25) the Guardianship Certification Board; ~~and~~
- (26) a county clerk's office in relation to a proceeding for the appointment of a guardian under Chapter XIII, Texas Probate Code;

(27) [~~25~~] the Department of Information Resources but only regarding an employee, applicant for employment, contractor, subcontractor, intern, or volunteer who provides network security services under Chapter 2059 to:

- (A) the Department of Information Resources; or
- (B) a contractor or subcontractor of the Department of Information Resources;

Resources;

(28) [~~25~~] the Court Reporters Certification Board; and

(29) [~~25~~] the Texas Department of Insurance.

SECTION 13. Section 53.0211(a), Occupations Code, is amended to read as follows:

(a) This section does not apply to an applicant for a license that would allow the applicant to provide:

- (1) law enforcement services;
- (2) public health, education, or safety services; or
- (3) financial services in an industry regulated by the securities commissioner, the banking commissioner, the savings and mortgage lending commissioner, the consumer credit commissioner, or the credit union commissioner.

SECTION 14. Section 345.153, Finance Code, is repealed.

SECTION 15. The change in law made by this Act to Section 53.0211(a), Occupations Code, applies only to an application for a license filed on or after the effective date of this Act. An application for a license 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 16. To the extent of any conflict, this Act prevails over another Act of the 82nd Legislature, Regular Session, 2011, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 17. This Act takes effect September 1, 2011.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 6).

HB 3468 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

Representative Patrick called up with senate amendments for consideration at this time,

HB 3468, A bill to be entitled An Act relating to the assessment of public school students for college readiness and developmental education courses to prepare students for college-level coursework.

Representative Patrick moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 3468**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 3468**: Patrick, chair; Aycock, Branch, D. Howard, and Shelton.

**HB 2662 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Hochberg called up with senate amendments for consideration at this time,

HB 2662, A bill to be entitled An Act relating to child abduction.

Representative Hochberg moved to concur in the senate amendments to **HB 2662**.

The motion to concur in the senate amendments to **HB 2662** prevailed by (Record 1594): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Castro; Chisum; 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; 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; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Riddle; 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; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Burnam; Christian; Garza; Miles; Price.

Absent — Ritter.

Senate Committee Substitute

CSHB 2662, A bill to be entitled An Act relating to the criteria for determining whether a child is a missing child.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 63.001(3), Code of Criminal Procedure, is amended to read as follows:

(3) "Missing child" means a child whose whereabouts are unknown to the child's legal custodian, the circumstances of whose absence indicate that:

(A) the child did not voluntarily leave the care and control of the custodian, and the taking of the child was not authorized by law;

(B) the child voluntarily left the care and control of the ~~[his legal]~~ custodian without the custodian's consent and without intent to return; ~~[or]~~

(C) the child was taken or retained in violation of the terms of a court order for possession of or access to the child; or

(D) the child was taken or retained without the permission of the custodian and with the effect of depriving the custodian of possession of or access to the child unless the taking or retention of the child was prompted by the commission or attempted commission of family violence, as defined by Section 71.004, Family Code, against the child or the actor.

SECTION 2. The change in law made by this Act in amending Article 63.001(3), Code of Criminal Procedure, applies only to the report of a missing child made under Chapter 63, Code of Criminal Procedure, as amended by this Act, on or after the effective date of this Act. The report of a missing child made before the effective date of this Act is governed by the law in effect when the report was made, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2011.

HB 2655 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Sheets called up with senate amendments for consideration at this time,

HB 2655, A bill to be entitled An Act relating to notice of coverage reduction on renewal of a property/casualty insurance policy.

Representative Sheets moved to concur in the senate amendments to **HB 2655**.

The motion to concur in the senate amendments to **HB 2655** prevailed by (Record 1595): 141 Yeas, 0 Nays, 3 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Castro; Chisum; 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; Geren; 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; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; 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; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Burnam; Christian; Garza; Miles; Price.

Absent — Walle.

Senate Committee Substitute

CSHB 2655, A bill to be entitled An Act relating to notice of coverage reduction on renewal of a property/casualty insurance policy.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 2002.001, Insurance Code, is amended to read as follows:

Sec. 2002.001. ENDORSEMENTS REDUCING AMOUNT OF COVERAGE. An insurer may not use an endorsement to a policy form to which Article 5.35, Subchapter B, or Subchapter B, Chapter 2301, applies that reduces [~~the amount of~~] coverage that would otherwise be provided under the policy unless:

(1) the insured requests the endorsement; or

(2) the insurer provides the policyholder with a written explanation of the change made by the endorsement not later than the 30th day before the date on which the policy expires [~~effective date of the change~~].

SECTION 2. Section 551.105, Insurance Code, is amended to read as follows:

Sec. 551.105. NONRENEWAL OF POLICIES; NOTICE REQUIRED. Unless the insurer has mailed written notice of nonrenewal or renewal with written notice of change in coverage as provided by Section 2002.001 to the insured not later than the 30th day before the date on which the insurance policy expires, an insurer must renew an insurance policy, at the request of the insured, on the expiration of the policy.

SECTION 3. This Act takes effect September 1, 2011.

HB 3117 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

Representative D. Howard called up with senate amendments for consideration at this time,

HB 3117, A bill to be entitled An Act relating to the reporting of information to claims databases by insurers.

Representative D. Howard moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 3117**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 3117**: Vo, chair; Eiland, Sheets, Smithee, and L. Taylor.

**HB 218 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Gallego called up with senate amendments for consideration at this time,

HB 218, A bill to be entitled An Act relating to possessing a glass container within the boundaries of certain riverbeds; providing criminal penalties.

Representative Gallego moved to concur in the senate amendments to **HB 218**.

The motion to concur in the senate amendments to **HB 218** prevailed by (Record 1596): 134 Yeas, 6 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Berman; Bonnen; Branch; Brown; Burkett; Button; Callegari; Castro; Chisum; 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; 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; 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; Pickett; Pitts; 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; Woolley; Workman; Zedler; Zerwas.

Nays — Beck; Cain; Carter; Lavender; Phillips; White.

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

Absent, Excused — Burnam; Christian; Garza; Miles; Price.

Absent — Bohac; Naishtat; Walle.

Senate Committee Substitute

CSHB 218, A bill to be entitled An Act relating to possessing a glass container within the boundaries of certain riverbeds; providing criminal penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter C, Chapter 365, Health and Safety Code, is amended by adding Section 365.035 to read as follows:

Sec. 365.035. PROHIBITION ON POSSESSING GLASS CONTAINERS WITHIN BOUNDARY OF STATE-OWNED RIVERBED; PENALTIES. (a) In this section, "glass container" means a glass container designed to contain a beverage, including a bottle or jar.

(b) A person commits an offense if the person knowingly possesses a glass container within the boundaries of a state-owned riverbed in a county:

- (1) that is located within 85 miles of an international border; and
- (2) in which at least four rivers are located.

(c) An offense under this section is a Class C misdemeanor.

(d) It is a defense to prosecution under Subsection (b) that the person who possessed the glass container:

(1) did not transport the glass container into the boundaries of the riverbed;

(2) possessed the glass container only for the purpose of lawfully disposing of the glass container in a designated waste receptacle; or

(3) is the owner of property adjacent to the section of the riverbed in which the person possessed the glass container.

(e) It is an exception to the application of Subsection (b) that the person possessed the glass container only for the purpose of water sampling or conducting scientific research as authorized by:

(1) a governmental entity;

(2) a utility as defined by Section 11.004, Utilities Code;

(3) a retail public utility as defined by Section 13.002, Water Code;

(4) a power generation company as defined by Section 31.002, Utilities

Code;

(5) a surface coal mining and reclamation operation, as defined by Section 134.004, Natural Resources Code; or

(6) a school-sponsored or university-sponsored educational activity.

SECTION 2. This Act takes effect September 1, 2011.

HB 422 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Guillen called up with senate amendments for consideration at this time,

HB 422, A bill to be entitled An Act relating to certain oversize and overweight permits issued by the Texas Department of Transportation.

Representative Guillen moved to concur in the senate amendments to **HB 422**.

The motion to concur in the senate amendments to **HB 422** prevailed by (Record 1597): 128 Yeas, 10 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Aycock; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Castro; Chisum; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Flynn; Frullo; Gallego; Geren; Giddings; Gonzales, L.; Gonzales,

V.; Gonzalez; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hunter; Isaac; Jackson; Johnson; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Raymond; Reynolds; Ritter; Rodriguez; Schwertner; Scott; Sheets; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Villarreal; Vo; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Anderson, R.; Beck; Carter; Fletcher; Gooden; Laubenberg; Lavender; Nash; Riddle; Sheffield.

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

Absent, Excused — Burnam; Christian; Garza; Miles; Price.

Absent — Coleman; Hughes; Quintanilla; Veasey; Walle.

STATEMENTS OF VOTE

I was shown voting no on Record No. 1597. I intended to vote yes.

Beck

I was shown voting yes on Record No. 1597. I intended to vote no.

L. Gonzales

I was shown voting yes on Record No. 1597. I intended to vote no.

Huberty

I was shown voting yes on Record No. 1597. I intended to vote no.

S. King

I was shown voting yes on Record No. 1597. I intended to vote no.

Kolkhorst

I was shown voting yes on Record No. 1597. I intended to vote no.

Landtroop

I was shown voting yes on Record No. 1597. I intended to vote no.

Otto

I was shown voting yes on Record No. 1597. I intended to vote no.

Perry

Senate Committee Substitute

CSHB 422, A bill to be entitled An Act relating to certain oversize and overweight permits issued by the Texas Department of Transportation.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 623, Transportation Code, is amended by adding Section 623.0181 to read as follows:

Sec. 623.0181. PERMITS FOR AUXILIARY POWER UNITS. The department may issue a permit that authorizes the operation of a commercial motor vehicle, trailer, semitrailer, or combination of those vehicles, or a truck-tractor or combination of a truck-tractor and one or more other vehicles, that exceeds the maximum weight limit as set by the department due to the presence of an auxiliary power unit that allows the vehicle to operate on electricity or battery power if the department finds that such an exemption would reduce nitrogen oxide emissions.

SECTION 2. Subchapter D, Chapter 623, Transportation Code, is amended by adding Section 623.0711 to read as follows:

Sec. 623.0711. PERMITS AUTHORIZED BY COMMISSION. (a) The commission by rule may authorize the department to issue a permit to a motor carrier, as defined by Section 643.001, to transport multiple loads of the same commodity over a state highway if all of the loads are traveling between the same general locations.

(b) The commission may not authorize the issuance of a permit that would allow a vehicle to:

- (1) violate federal regulations on size and weight requirements; or
- (2) transport equipment that could reasonably be dismantled for transportation as separate loads.

(c) The commission rules must require that, before the department issues a permit under this section, the department:

- (1) determine that the state will benefit from the consolidated permitting process; and
- (2) complete a route and engineering study that considers:
 - (A) the estimated number of loads to be transported by the motor carrier under the permit;
 - (B) the size and weight of the commodity;
 - (C) available routes that can accommodate the size and weight of the vehicle and load to be transported;
 - (D) the potential roadway damage caused by repeated use of the road by the permitted vehicle;
 - (E) any disruption caused by the movement of the permitted vehicle; and
 - (F) the safety of the traveling public.

(d) The commission rules may authorize the department to impose on the motor carrier any condition regarding routing, time of travel, axle weight, and escort vehicles necessary to ensure safe operation and minimal damage to the roadway.

(e) A permit issued under this section may provide multiple routes to minimize damage to the roadways.

(f) The commission shall require the motor carrier to file a bond in an amount set by the commission, payable to the department and conditioned on the motor carrier paying to the department any damage that is sustained to a state highway because of the operation of a vehicle under a permit issued under this section.

(g) An application for a permit under this section must be accompanied by the permit fee established by the commission for the permit, not to exceed \$9,000. The department shall send each fee to the comptroller for deposit to the credit of the state highway fund.

(h) In addition to the fee established under Subsection (g), the commission rules must authorize the department to collect a consolidated permit payment for a permit under this section in an amount not to exceed 15 percent of the fee established under Subsection (g), to be deposited to the credit of the state highway fund.

(i) The executive director of the department or the executive director's designee may suspend a permit issued under this section or alter a designated route because of:

- (1) a change in pavement conditions;
- (2) a change in traffic conditions;
- (3) a geometric change in roadway configuration;
- (4) construction or maintenance activity; or
- (5) emergency or incident management.

(j) A violation of a permit issued under this section is subject to the administrative sanctions of Subchapter N.

(k) In this section, "commission" means the Texas Transportation Commission.

SECTION 3. Section 623.071, Transportation Code, is amended by adding Subsection (h) to read as follows:

(h) If on completion of a route and engineering study the department determines that the additional length can be transported safely, the department may issue to a person a single trip permit that allows the person to operate over a highway in this state superheavy or oversize equipment exceeding the length limitation established by Subsection (c) and that may be used in conjunction with an annual permit issued under that subsection.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2011.

HB 167 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Raymond called up with senate amendments for consideration at this time,

HB 167, A bill to be entitled An Act relating to the transportation of certain mental health patients.

Representative Raymond moved to concur in the senate amendments to **HB 167**.

The motion to concur in the senate amendments to **HB 167** prevailed by (Record 1598): 137 Yeas, 3 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycocck; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Carter; Castro; Chisum; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Flynn; Frullo; Gallego; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; 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; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Rodriguez; 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; Woolley; Workman; Zedler; Zerwas.

Nays — Fletcher; Riddle; Schwertner.

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

Absent, Excused — Burnam; Christian; Garza; Miles; Price.

Absent — Callegari; Hopson; Ritter.

STATEMENT OF VOTE

I was shown voting no on Record No. 1598. I intended to vote yes.

Schwertner

Senate Committee Substitute

CSHB 167, A bill to be entitled An Act relating to the transportation of certain mental health patients.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 574.045, Health and Safety Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) The court may authorize, in the following order of priority, the transportation of a committed patient or a patient detained under Section 573.022 or 574.023 to the designated mental health facility by:

(1) a special officer for mental health assignment certified under Section 1701.404, Occupations Code [a relative or other responsible person who has a proper interest in the patient's welfare and who receives no remuneration, except for actual and necessary expenses];

(2) the facility administrator of the designated mental health facility, unless ~~if~~ the administrator notifies the court that facility personnel are not available to transport the patient;

(3) a relative or other responsible person who has a proper interest in the patient's welfare and who receives no remuneration, except for actual and necessary expenses ~~[a special officer for mental health assignment certified under Section 1701.404, Occupations Code];~~

(4) a representative of the local mental health authority, who shall be reimbursed by the county, unless the representative notifies the court that local mental health authority personnel are not qualified to ensure the safety of the patient during transport;

(5) a qualified transportation service provider selected from the list established and maintained as required by Section 574.0455 by the commissioners court of the county in which the court authorizing the transportation is located; or

~~(6) [(5)] the sheriff or constable[, if no person is available under Subdivision (1), (2), (3), or (4)].~~

(a-1) A person who under Subsection (a)(1), (2), or (6) is authorized by the court to transport a person to a mental health facility may contract with a qualified transportation service provider that is included on the list established and maintained as required by Section 574.0455 by the commissioners court of the county in which the court is located to provide the transportation authorized by the court.

SECTION 2. Subchapter D, Chapter 574, Health and Safety Code, is amended by adding Section 574.0455 to read as follows:

Sec. 574.0455. LIST OF QUALIFIED TRANSPORTATION SERVICE PROVIDERS. (a) The commissioners court of a county may:

(1) establish and maintain a list of qualified transportation service providers that a court may authorize or with whom a person may contract to transport a person to a mental health facility in accordance with Section 574.045;

(2) establish an application procedure for a person to be included on the list, including an appropriate application fee to be deposited in the county general fund;

(3) contract with qualified transportation service providers on terms acceptable to the county;

(4) allow officers and employees of the county to utilize persons on the list on a rotating basis if the officer or employee is authorized to provide transportation under Section 574.045 and chooses to utilize a qualified transportation service provider in accordance with the terms of the contract approved by the commissioners court; and

(5) ensure that the list is made available to any person authorized to provide transportation under Section 574.045.

(b) The Department of State Health Services shall prescribe uniform standards:

(1) that a person must meet to be listed as a qualified transportation service provider under Subsection (a); and

(2) prescribing requirements relating to how the transportation of a person to a mental health facility by a qualified transportation service provider is provided.

SECTION 3. This Act takes effect September 1, 2011.

**HB 550 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Dutton called up with senate amendments for consideration at this time,

HB 550, A bill to be entitled An Act relating to an exemption to the requirement for a fishing license for residents of a certain age.

Representative Dutton moved to concur in the senate amendments to **HB 550**.

The motion to concur in the senate amendments to **HB 550** prevailed by (Record 1599): 139 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycok; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Castro; Chisum; 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; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; 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; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Riddle; 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.

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

Absent, Excused — Burnam; Christian; Garza; Miles; Price.

Absent — Aliseda; Hernandez Luna; Ritter; Woolley.

STATEMENT OF VOTE

When Record No. 1599 was taken, I was in the house but away from my desk. I would have voted yes.

Woolley

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 550** (senate committee printing page 1, lines 15-16) by striking Subdivision (1) and substituting the following:

(1) who is a resident and whose birth date is before January 1, 1931 [~~September 1, 1930~~];

**HB 811 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Darby called up with senate amendments for consideration at this time,

HB 811, A bill to be entitled An Act relating to the powers and duties of the Scurry County Hospital District.

Representative Darby moved to concur in the senate amendments to **HB 811**.

The motion to concur in the senate amendments to **HB 811** prevailed by (Record 1600): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Castro; Chisum; 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; 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; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; 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; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Burnam; Christian; Garza; Miles; Price.

Absent — Parker.

Senate Committee Substitute

CSHB 811, A bill to be entitled An Act relating to the powers and duties of the Scurry County Hospital District.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle A, Title 3, Special District Local Laws Code, is amended by adding Chapter 1119 to read as follows:

CHAPTER 1119. SCURRY COUNTY HOSPITAL DISTRICTSUBCHAPTER A. GENERAL PROVISIONSSec. 1119.001. DEFINITIONS. In this chapter:

- (1) "Board" means the board of directors of the district.
- (2) "District" means the Scurry County Hospital District.

[Sections 1119.002-1119.050 reserved for expansion]SUBCHAPTER B. DISTRICT ADMINISTRATIONSec. 1119.051. EMPLOYMENT OF HEALTH CARE PROVIDERS. (a)The board may employ health care providers other than physicians as the board considers necessary for the efficient operation of the district.(b) The board may delegate to the administrator of the district the authority to employ health care providers under Subsection (a).[Sections 1119.052-1119.100 reserved for expansion]SUBCHAPTER C. GENERAL FINANCIAL PROVISIONSSec. 1119.101. GENERAL AUTHORITY TO BORROW MONEY; SECURITY. (a) The board may borrow money at a rate not to exceed the maximum annual percentage rate allowed by law for district obligations at the time the loan is made.(b) To secure a loan, the board may pledge:(1) district revenue that is not pledged to pay the district's bonded indebtedness;(2) a district tax to be imposed by the district during the 12-month period following the date of the pledge that is not pledged to pay the principal of or interest on district bonds; or(3) district bonds that have been authorized but not sold.(c) A loan for which taxes or bonds are pledged must mature not later than the first anniversary of the date the loan is made. A loan for which district revenue is pledged must mature not later than the fifth anniversary of the date the loan is made.[Sections 1119.102-1119.150 reserved for expansion]SUBCHAPTER D. BONDSSec. 1119.151. ADDITIONAL MEANS OF SECURING REPAYMENT OF BONDS. In addition to the authority to issue general obligation bonds and revenue bonds under Subchapter G, Chapter 286, Health and Safety Code, the board may provide for the security and repayment of district bonds from a pledge of a combination of taxes as authorized by Section 286.142, Health and Safety Code, and revenue and other sources as authorized by Section 286.144, Health and Safety Code.Sec. 1119.152. USE OF BOND PROCEEDS. The district may use the proceeds of bonds issued under Chapter 286, Health and Safety Code, to pay:(1) any expense the board determines is reasonable and necessary to issue, sell, and deliver the bonds;(2) interest payments on the bonds during a period of acquisition or construction of a project or facility to be provided through the bonds, not to exceed five years;

(3) costs related to the operation and maintenance of a project or facility to be provided through the bonds;

(A) during an estimated period of acquisition or construction, not to exceed five years; and

(B) for one year after the project or facility is acquired or constructed;

(4) costs related to the financing of the bond funds, including debt service reserve and contingency funds;

(5) costs related to the bond issuance;

(6) costs related to the acquisition of land or interests in land for a project or facility to be provided through the bonds; and

(7) costs of construction of a project or facility to be provided through the bonds, including the payment of related professional services and expenses.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2011.

HB 1496 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Gallego called up with senate amendments for consideration at this time,

HB 1496, A bill to be entitled An Act relating to the contracting authority of the Val Verde County Hospital District.

Representative Gallego moved to concur in the senate amendments to **HB 1496**.

The motion to concur in the senate amendments to **HB 1496** prevailed by (Record 1601): 140 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Carter; Castro; Chisum; 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; 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; Miller, D.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; 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; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Burnam; Christian; Garza; Miles; Price.

Absent — Callegari; Miller, S.; Quintanilla.

Senate Committee Substitute

CSHB 1496, A bill to be entitled An Act relating to the contracting authority of the Val Verde County Hospital District.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 11(b), Chapter 658, Acts of the 64th Legislature, Regular Session, 1975, is amended to read as follows:

(b) Construction [~~All~~] contracts [~~for construction~~] involving the expenditure of more than \$50,000 shall [~~\$15,000 may~~] be procured [~~made only after advertising~~] in the manner provided by Subchapter B, Chapter 271, Local Government Code. All [~~or all~~] contracts for purchases involving the expenditure of more than \$50,000, other than contracts subject to Subchapter B, Chapter 271, Local Government Code, or Chapter 2253, Government Code, shall [~~\$15,000 may~~] be procured [~~made only after advertising~~] in the manner provided by Subchapter C, Chapter 262, Local Government Code. The provisions of Chapter 2253, Government Code, relating to performance and payment bonds, shall apply to construction contracts let by the district.

SECTION 2. This Act takes effect September 1, 2011.

HB 3827 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Zerwas called up with senate amendments for consideration at this time,

HB 3827, A bill to be entitled An Act relating to the creation of the Fulshear Town Center Management District; providing authority to impose an assessment, impose a tax, and issue bonds.

Representative Zerwas moved to concur in the senate amendments to **HB 3827**.

The motion to concur in the senate amendments to **HB 3827** prevailed by (Record 1602): 139 Yeas, 3 Nays, 3 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Aycock; Beck; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Castro; Chisum; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Frullo; Gallego; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; 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; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; 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; Woolley; Workman; Zedler; Zerwas.

Nays — Anderson, C.; Berman; Flynn.

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

Absent, Excused — Burnam; Christian; Garza; Miles; Price.

Senate Committee Substitute

CSHB 3827, A bill to be entitled An Act relating to the creation of the Fulshear Town Center Management District; providing authority to impose an assessment, impose a tax, and issue bonds.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle C, Title 4, Special District Local Laws Code, is amended by adding Chapter 3903 to read as follows:

CHAPTER 3903. FULSHEAR TOWN CENTER MANAGEMENT DISTRICT
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3903.001. DEFINITIONS. In this chapter:

- (1) "Board" means the district's board of directors.
- (2) "City" means the City of Fulshear.
- (3) "County" means Fort Bend County.
- (4) "Director" means a board member.
- (5) "District" means the Fulshear Town Center Management District.

Sec. 3903.002. CREATION AND NATURE OF DISTRICT. The Fulshear Town Center Management District is a special district created under Section 59, Article XVI, Texas Constitution.

Sec. 3903.003. PURPOSE; LEGISLATIVE FINDINGS. (a) The creation of the district is essential to accomplish the purposes of Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other public purposes stated in this chapter. By creating the district and in authorizing the city and other political subdivisions to contract with the district, the legislature has established a program to accomplish the public purposes set out in Section 52-a, Article III, Texas Constitution.

(b) The creation of the district is necessary to promote, develop, encourage, and maintain employment, commerce, transportation, housing, tourism, recreation, the arts, entertainment, economic development, safety, and the public welfare in the district.

(c) The district is created to supplement and not to supplant city services provided in the district.

Sec. 3903.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)The district is created to serve a public use and benefit.(b) All land and other property included in the district will benefit from the improvements and services to be provided by the district under powers conferred by Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other powers granted under this chapter.(c) The creation of the district is in the public interest and is essential to further the public purposes of:

- (1) developing and diversifying the economy of the state;
- (2) eliminating unemployment and underemployment;
- (3) developing or expanding transportation and commerce; and
- (4) providing quality residential housing.

(d) The district will:(1) promote the health, safety, and general welfare of residents, employers, potential employees, employees, visitors, and consumers in the district, and of the public;(2) provide needed funding for the district to preserve, maintain, and enhance the economic health and vitality of the district territory as a residential community and business center; and(3) promote the health, safety, welfare, and enjoyment of the public by providing pedestrian ways and by landscaping and developing certain areas in the district, which are necessary for the restoration, preservation, and enhancement of scenic beauty.(e) Pedestrian ways along or across a street, whether at grade or above or below the surface, and street lighting, street landscaping, vehicle parking, and street art objects are parts of and necessary components of a street and are considered to be an improvement project that includes a street or road improvement.(f) The district will not act as the agent or instrumentality of any private interest even though the district will benefit many private interests as well as the public.Sec. 3903.005. DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2 of the Act enacting this chapter.(b) The boundaries and field notes contained in Section 2 of the Act enacting this chapter form a closure. A mistake in the field notes or in copying the field notes in the legislative process does not affect the district's:

- (1) organization, existence, or validity;
- (2) right to issue any type of bond for the purposes for which the district is created or to pay the principal of and interest on a bond;
- (3) right to impose or collect an assessment or tax; or
- (4) legality or operation.

Sec. 3903.006. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.(a) All or any part of the area of the district is eligible to be included in:

- (1) a tax increment reinvestment zone created under Chapter 311, Tax Code;

(2) a tax abatement reinvestment zone created under Chapter 312, Tax Code;

(3) an enterprise zone created under Chapter 2303, Government Code;
or

(4) an industrial district created under Chapter 42, Local Government Code.

(b) If the city creates a tax increment reinvestment zone described by Subsection (a), the city and the board of directors of the zone, by contract with the district, may grant money deposited in the tax increment fund to the district to be used by the district for the purposes permitted for money granted to a corporation under Section 380.002(b), Local Government Code, including the right to pledge the money as security for any bonds issued by the district for an improvement project. A project may not receive public funds under Section 380.002(b), Local Government Code, unless the project complies with a development agreement entered into under Section 3903.207.

(c) A tax increment reinvestment zone created by the city in the district is not subject to the limitations provided by Section 311.006(b), Tax Code.

(d) A tax increment reinvestment zone or a tax abatement reinvestment zone may not include territory in the district unless the governing body of the city approves the inclusion.

Sec. 3903.007. APPLICABILITY OF MUNICIPAL MANAGEMENT DISTRICTS LAW. Except as otherwise provided by this chapter, Chapter 375, Local Government Code, applies to the district.

Sec. 3903.008. LIBERAL CONSTRUCTION OF CHAPTER. This chapter shall be liberally construed in conformity with the findings and purposes stated in this chapter.

[Sections 3903.009-3903.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 3903.051. GOVERNING BODY; TERMS. The district is governed by a board of five voting directors who serve staggered terms of four years, with two or three directors' terms expiring June 1 of each even-numbered year.

Sec. 3903.052. QUALIFICATIONS OF DIRECTORS APPOINTED BY CITY. (a) To be qualified to serve as a director appointed by the governing body of the city, a person must be:

(1) a resident of the district who is also a registered voter of the district;

(2) an owner of property in the district;

(3) an owner of stock or a partnership or membership interest, whether beneficial or otherwise, of a corporate partnership, limited liability company, or other entity owner of a direct or indirect interest in property in the district;

(4) an owner of a beneficial interest in a trust, or a trustee in a trust, that directly or indirectly owns property in the district; or

(5) an agent, employee, or tenant of a person described by Subdivision (2), (3), or (4).

(b) Section 49.052, Water Code, does not apply to the district.

Sec. 3903.053. APPOINTMENT OF DIRECTORS. The governing body of the city shall appoint directors from persons recommended by the board.

Sec. 3903.054. VACANCY. If a vacancy occurs on the board, the remaining directors shall appoint a director for the remainder of the unexpired term.

Sec. 3903.055. DIRECTOR'S OATH OR AFFIRMATION. (a) A director shall file the director's oath or affirmation of office with the district, and the district shall retain the oath or affirmation in the district records.

(b) A director shall file a copy of the director's oath or affirmation with the secretary of the city.

Sec. 3903.056. OFFICERS. The board shall elect from among the directors a chair, a vice chair, and a secretary. The offices of chair and secretary may not be held by the same person.

Sec. 3903.057. COMPENSATION; EXPENSES. A director is not entitled to compensation but is entitled to reimbursement for necessary and reasonable expenses incurred in carrying out the duties and responsibilities of the board.

Sec. 3903.058. LIABILITY INSURANCE. The district may obtain and pay for comprehensive general liability insurance coverage from a commercial insurance company or other source that protects and insures a director against personal liability and from all claims relating to:

(1) actions taken by the director in the director's capacity as a member of the board;

(2) actions and activities taken by the district; or

(3) the actions of others acting on behalf of the district.

Sec. 3903.059. NO EXECUTIVE COMMITTEE. The board may not create an executive committee to exercise the powers of the board.

Sec. 3903.060. BOARD MEETINGS. The board shall hold meetings at a place accessible to the public.

Sec. 3903.061. INITIAL DIRECTORS. (a) The initial board consists of:

<u>Pos. No.</u>	<u>Name of Director</u>
<u>1</u>	<u>David Delk</u>
<u>2</u>	<u>Randy Emery</u>
<u>3</u>	<u>Doug Konopka</u>
<u>4</u>	<u>Brooke Lewis</u>
<u>5</u>	<u>Colice Watts</u>

(b) The terms of the initial directors expire June 1, 2012.

(c) Of the directors who replace an initial director, the terms of directors serving in positions 1, 2, and 3 expire June 1, 2014, and the terms of directors serving in positions 4 and 5 expire June 1, 2016.

(d) Section 3903.052 does not apply to this section.

(e) This section expires September 1, 2016.

[Sections 3903.062-3903.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 3903.101. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 3903.102. DEVELOPMENT CORPORATION POWERS. The district, using money available to the district, may exercise the powers given to a development corporation under Chapter 505, Local Government Code, including the power to own, operate, acquire, construct, lease, improve, or maintain a project under that chapter.

Sec. 3903.103. NONPROFIT CORPORATION. (a) The board by resolution may authorize the creation of a nonprofit corporation to assist and act for the district in implementing a project or providing a service authorized by this chapter.

(b) The nonprofit corporation:

(1) has each power of and is considered to be a local government corporation created under Subchapter D, Chapter 431, Transportation Code; and

(2) may implement any project and provide any service authorized by this chapter.

(c) The board shall appoint the board of directors of the nonprofit corporation. The board of directors of the nonprofit corporation shall serve in the same manner as the board of directors of a local government corporation created under Subchapter D, Chapter 431, Transportation Code, except that a board member is not required to reside in the district.

Sec. 3903.104. AGREEMENTS; GRANTS. (a) As provided by Chapter 375, Local Government Code, the district may make an agreement with or accept a gift, grant, or loan from any person.

(b) The implementation of a project is a governmental function or service for the purposes of Chapter 791, Government Code.

Sec. 3903.105. LAW ENFORCEMENT SERVICES. To protect the public interest, the district may contract with a qualified party, including the county or the city, to provide law enforcement services in the district for a fee.

Sec. 3903.106. MEMBERSHIP IN CHARITABLE ORGANIZATIONS. The district may join and pay dues to a charitable or nonprofit organization that performs a service or provides an activity consistent with the furtherance of a district purpose.

Sec. 3903.107. ECONOMIC DEVELOPMENT. (a) The district may engage in activities that accomplish the economic development purposes of the district.

(b) The district may establish and provide for the administration of one or more programs to promote state or local economic development and to stimulate business and commercial activity in the district, including programs to:

(1) make loans and grants of public money; and

(2) provide district personnel and services.

(c) The district may create economic development programs and exercise the economic development powers that:

(1) Chapter 380, Local Government Code, provides to a municipality;
and

(2) Subchapter A, Chapter 1509, Government Code, provides to a municipality.

Sec. 3903.108. PARKING FACILITIES. (a) The district may acquire, lease as lessor or lessee, construct, develop, own, operate, and maintain parking facilities or a system of parking facilities, including lots, garages, parking terminals, or other structures or accommodations for parking motor vehicles off the streets and related appurtenances.

(b) The district's parking facilities serve the public purposes of the district and are owned, used, and held for a public purpose even if leased or operated by a private entity for a term of years.

(c) The district's parking facilities are parts of and necessary components of a street and are considered to be a street or road improvement.

(d) The development and operation of the district's parking facilities may be considered an economic development program.

Sec. 3903.109. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

[Sections 3903.110-3903.130 reserved for expansion]

SUBCHAPTER C-1. IMPROVEMENT PROJECTS

Sec. 3903.131. IMPROVEMENT PROJECTS AND SERVICES. The district may provide, design, construct, acquire, improve, relocate, operate, maintain, or finance an improvement project or service using money available to the district, or contract with a governmental or private entity to provide, design, construct, acquire, improve, relocate, operate, maintain, or finance an improvement project or service authorized under this chapter or Chapter 375, Local Government Code.

Sec. 3903.132. LOCATION OF IMPROVEMENT PROJECT. An improvement project described by Section 3903.131 may be located:

(1) in the district; or

(2) in an area outside but adjacent to the district if the project is for the purpose of extending a public infrastructure improvement beyond the district's boundaries to a logical terminus.

Sec. 3903.133. PREREQUISITES FOR IMPROVEMENT PROJECTS. The district may not construct an improvement project unless:

(1) the owner of the land on which the improvement project will be constructed records a plat in the map and plat records of the county in which the district is located; and

(2) the planning commission of the city approves the plat.

Sec. 3903.134. ADDITIONAL DISTRICT DUTIES REGARDING IMPROVEMENT PROJECTS. The district shall:

(1) submit written notice to the city administrator or the administrator's designee of the anticipated date construction of an improvement project will begin;

(2) construct the improvement project to comply with a development agreement entered into under Section 3903.207;

(3) comply with applicable city ordinances, resolutions, and regulations when constructing and maintaining an improvement project;

(4) allow a representative of the city to inspect an improvement project during construction to assess the project's compliance with applicable city ordinances, resolutions, and regulations;

(5) alter an improvement project to comply with applicable city ordinances, resolutions, and regulations if the representative of the city provides the district with written notice that the improvement project does not comply with applicable city ordinances, resolutions, and regulations; and

(6) obtain any necessary permits from city, county, state, or federal authorities to construct and maintain an improvement project.

Sec. 3903.135. LICENSE AND CERTIFICATION REQUIREMENTS.

The district may not contract with or employ a person to plan or construct an improvement project unless the person is licensed or certified in an area relating to planning or construction, as applicable.

[Sections 3903.136-3903.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS; ASSESSMENTS

Sec. 3903.151. DISBURSEMENTS AND TRANSFERS OF MONEY. The board by resolution shall establish the number of directors' signatures and the procedure required for a disbursement or transfer of the district's money.

Sec. 3903.152. MONEY USED FOR IMPROVEMENTS OR SERVICES. The district may acquire, construct, finance, operate, or maintain an improvement project or service authorized under this chapter or Chapter 375, Local Government Code, using any money available to the district.

Sec. 3903.153. PETITION REQUIRED FOR FINANCING SERVICES AND IMPROVEMENTS WITH ASSESSMENTS. (a) The board may not finance a service or improvement project with assessments under this chapter unless a written petition requesting that service or improvement has been filed with the board.

(b) The petition must be signed by the owners of a majority of the assessed value of real property in the district subject to assessment according to the most recent certified tax appraisal roll for the county.

Sec. 3903.154. METHOD OF NOTICE FOR HEARING. The district may mail the notice required by Section 375.115(c), Local Government Code, by certified or first class United States mail. The board shall determine the method of notice.

Sec. 3903.155. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a) The board by resolution may impose and collect an assessment for any purpose authorized by this chapter in all or any part of the district.

(b) An assessment, a reassessment, or an assessment resulting from an addition to or correction of the assessment roll by the district, penalties and interest on an assessment or reassessment, an expense of collection, and reasonable attorney's fees incurred by the district:

(1) are a first and prior lien against the property assessed;

(2) are superior to any other lien or claim other than a lien or claim for county, school district, or municipal ad valorem taxes; and

(3) are the personal liability of and a charge against the owners of the property even if the owners are not named in the assessment proceedings.

(c) The lien is effective from the date of the board's resolution imposing the assessment until the date the assessment is paid. The board may enforce the lien in the same manner that the board may enforce an ad valorem tax lien against real property.

(d) The board may make a correction to or deletion from the assessment roll that does not increase the amount of assessment of any parcel of land without providing notice and holding a hearing in the manner required for additional assessments.

Sec. 3903.156. TAX AND ASSESSMENT ABATEMENTS. The district may designate reinvestment zones and may grant abatements of a tax or assessment on property in the zones.

[Sections 3903.157-3903.200 reserved for expansion]

SUBCHAPTER E. TAXES AND BONDS

Sec. 3903.201. BONDS AND OTHER OBLIGATIONS. (a) The district may issue, by public or private sale, bonds, notes, or other obligations payable wholly or partly from ad valorem taxes or assessments in the manner provided by Subchapter A, Chapter 372, or Subchapter J, Chapter 375, Local Government Code.

(b) In exercising the district's borrowing power, the district may issue a bond or other obligation in the form of a bond, note, certificate of participation or other instrument evidencing a proportionate interest in payments to be made by the district, or other type of obligation.

(c) In addition to the sources of money described by Subchapter A, Chapter 372, and Subchapter J, Chapter 375, Local Government Code, district bonds may be secured and made payable wholly or partly by a pledge of any part of the money the district receives from improvement revenue or from any other source.

Sec. 3903.202. BOND MATURITY. Bonds may mature not more than 30 years from their date of issue.

Sec. 3903.203. TAXES FOR BONDS AND OTHER OBLIGATIONS. At the time bonds or other obligations payable wholly or partly from ad valorem taxes are issued:

(1) the board shall impose a continuing direct annual ad valorem tax for each year that all or part of the bonds are outstanding; and

(2) the district annually shall impose an ad valorem tax on all taxable property in the district in an amount sufficient to:

(A) pay the interest on the bonds or other obligations as the interest becomes due; and

(B) create a sinking fund for the payment of the principal of the bonds or other obligations when due or the redemption price at any earlier required redemption date.

Sec. 3903.204. ELECTION REQUIRED FOR TAXES OR BONDS. The district must hold an election in the manner provided by Subchapter L, Chapter 375, Local Government Code, to obtain voter approval before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes.

Sec. 3903.205. HOTEL OCCUPANCY TAX. (a) The district may impose a hotel occupancy tax in the manner that Chapter 351, Tax Code, provides for a municipality.

(b) The district may use revenue from the tax for any purpose described by Section 351.101, Tax Code.

(c) The amount of the hotel occupancy tax may not exceed a rate that, when added to the rates of all hotel occupancy taxes imposed by other political subdivisions with territory in the district, does not exceed the rate prescribed by Section 351.003(a), Tax Code.

Sec. 3903.206. CERTAIN SINGLE-FAMILY RESIDENTIAL PROPERTY EXEMPT. (a) The district may not impose an assessment or tax on a single-family residential property that:

(1) is in the territory described by Section 2 of the Act creating the district; and

(2) exists as of the effective date of the Act enacting this chapter.

(b) Section 375.161, Local Government Code, does not apply to the district.

Sec. 3903.207. DEVELOPMENT AGREEMENT. The district may enter into a development agreement that requires the district to reimburse a developer for the costs associated with constructing and maintaining an improvement project. The district may use revenue from taxes and assessments to reimburse a developer under this section.

[Sections 3903.208-3903.250 reserved for expansion]

SUBCHAPTER F. DISSOLUTION

Sec. 3903.251. DISSOLUTION BY CITY ORDINANCE. (a) The city by ordinance may dissolve the district.

(b) The city may not dissolve the district until the district's outstanding debt or contractual obligations that are payable from ad valorem taxes have been repaid or discharged, or the city has affirmatively assumed the obligation to pay the outstanding debt from city revenue.

(c) If the district enters a development agreement under Section 3903.207, the city may not dissolve the district until the agreement has been executed and the district's performance under the agreement has been fulfilled, including any right or obligation the district has to reimburse a developer or owner for the costs of improvement projects.

Sec. 3903.252. COLLECTION OF ASSESSMENTS AND OTHER REVENUE. (a) If the dissolved district has bonds or other obligations outstanding secured by and payable from assessments or other revenue, other than ad valorem taxes, the city shall succeed to the rights and obligations of the district regarding enforcement and collection of the assessments or other revenue.

(b) The city shall have and exercise all district powers to enforce and collect the assessments or other revenue to pay:

(1) the bonds or other obligations when due and payable according to their terms; or

(2) special revenue or assessment bonds or other obligations issued by the city to refund the outstanding bonds or obligations.

Sec. 3903.253. ASSUMPTION OF ASSETS AND LIABILITIES. (a) After the city dissolves the district, the city assumes, subject to the appropriation and availability of funds, the obligations of the district, including any bonds or other debt payable from assessments or other district revenue.

(b) If the city dissolves the district, the board shall transfer ownership of all district property to the city.

SECTION 2. The Fulshear Town Center Management District initially includes all the territory contained in the following area:

Being an 84.3 acre tract situated in the City of Fulshear, with said tract being more particularly described as follows:

With the point of beginning being at SE corner of 0.3444 acre parcel (Fulshear, Block 6, Lot 1,4);

Then south along W ROW of FM 359 (Main St.) to SE corner of 0.1377 acre parcel (FULSHEAR, BLOCK 3, ACRES 0.1377, (Pt) 20' Alley in Block 3);

Then west along S boundary of said parcel to NE corner 0.42 acre parcel (FULSHEAR, BLOCK 3, LOT 4,5);

Then south along E boundary of 0.42 acre parcel (FULSHEAR, BLOCK 3, LOT 4,5) to N ROW of Front St;

Then east along N ROW of Front St and FM 1093 to SE corner of 64.5 acre parcel (0029 C FULSHEAR, TRACT 66, ACRES 64.506);

Then east across ROW of Katy-Fulshear Rd and along S boundary of 6.93 acre parcel (0050 E LATHAM, TRACT 24 (PT), PARCEL 3, ACRES 6.9307, (PT (2.7197 ACS) IN A-29)) to a point approximately 215 feet east of SW corner of said parcel;

Then south across FM 1093 and Metro Rail ROWs to NE corner of 52.23 acre parcel (0029 C FULSHEAR, TRACT 82-C, ACRES 52.23);

Then west along N Boundary of 52.23 acre parcel (0029 C FULSHEAR, TRACT 82-C, ACRES 52.23) to NE corner of 20.089 acre parcel (0029 C FULSHEAR, TRACT 6, ACRES 20.089);

Then south along E boundary of 20.089 acre parcel (0029 C FULSHEAR, TRACT 6, ACRES 20.089) to SE corner of said parcel;

Then west along S boundary of 20.089 acre parcel (0029 C FULSHEAR, TRACT 6, ACRES 20.089), and 18.82 acre parcel (0029 C Fulshear, TRACT 3 (Pt), ACRES 18.8242, (Part of a 26.5629 ac tract), and 3.754 acre parcel (0029 C Fulshear, TRACT 3 (Pt), ACRES 3.754, (Part of a 26.5629 ac tract)), and 3.753 acre parcel (0029 C FULSHEAR, TRACT 1, ACRES 3.753) to SW corner 3.753 acre parcel (0029 C FULSHEAR, TRACT 1, ACRES 3.753);

Then north along W boundary of 3.753 acre parcel (0029 C FULSHEAR, TRACT 1, ACRES 3.753), and across Metro Rail and FM 1093 ROWs to S boundary of 70 acre parcel (0029 C Fulshear, TRACT 91 (PT), ACRES 69, (PART OF A 70.00 AC TRACT));

Then east northeast along S boundary of 70 acre parcel (0029 C Fulshear, TRACT 91 (PT), ACRES 69, (PART OF A 70.00 AC TRACT)) to SE corner of said parcel;

Then north along E boundary of said parcel to N ROW of Front St;

Then east northeast along N ROW of Front St to W ROW of Harris St;

Then north along W ROW of Harris St to NE corner of 0.5165 acre parcel (FULSHEAR, BLOCK 5, LOT 1,4,5);

Then east across ROW of Harris St, and along north boundary of 0.5165 acre parcel (FULSHEAR, BLOCK 6, LOT 2,3,6) to NE corner of said parcel;

Then south along E boundary of 0.5165 acre parcel (FULSHEAR, BLOCK 6, LOT 2,3,6) to SE corner of said parcel;

Then east along S boundary of 0.3444 acre parcel (Fulshear, Block 6, Lot 1,4) to point of beginning;

SECTION 3. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, lieutenant governor, and speaker of the house of representatives within the required time.

(d) The general law relating to consent by political subdivisions to the creation of districts with conservation, reclamation, and road powers and the inclusion of land in those districts has been complied with.

(e) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act have been fulfilled and accomplished.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2011.

HB 2089 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Smithee called up with senate amendments for consideration at this time,

HB 2089, A bill to be entitled An Act relating to the resolution of overpayment or underpayment of income benefits under the workers' compensation program.

Representative Smithee moved to concur in the senate amendments to **HB 2089**.

The motion to concur in the senate amendments to **HB 2089** prevailed by (Record 1603): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Castro; Chisum; 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; 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; 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; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; 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; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Burnam; Christian; Garza; Miles; Price.

Absent — Jackson.

Senate Committee Substitute

CSHB 2089, A bill to be entitled An Act relating to the resolution of overpayment or underpayment of income benefits under the workers' compensation program

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 408.081(a), Labor Code, is amended to read as follows:

(a) An employee is entitled to timely and accurate income benefits as provided in this chapter.

SECTION 2. Subchapter E, Chapter 408, Labor Code, is amended by adding Section 408.0815 to read as follows:

Sec. 408.0815. RESOLUTION OF OVERPAYMENT OR UNDERPAYMENT OF INCOME BENEFITS. (a) The commissioner by rule shall establish a procedure by which an insurance carrier:

(1) may recoup an overpayment of income benefits from future income benefit payments that are not reimbursable under Section 410.209; and

(2) shall pay an underpayment of income benefits, including interest on accrued but unpaid benefits, in accordance with this subtitle.

(b) The procedure under Subsection (a) must include:

(1) a process by which an injured employee may notify the insurance carrier of an underpayment;

(2) the time frame and methodology by which an insurance carrier shall pay to an injured employee an underpayment;

(3) a process by which an insurance carrier shall notify an injured employee of an overpayment of income benefits;

(4) the time frame and methodology by which an insurance carrier may recoup an overpayment through the reduction of a future income benefit payment; and

(5) a method for coordinating overpayments that may be recouped from future income benefits and reimbursements described by Section 410.209.

(c) The procedure for recouping overpayments under Subsection (a)(1) must take into consideration the cause of the overpayment and minimize the financial hardship to the injured employee.

SECTION 3. The commissioner of workers' compensation shall adopt rules to implement Section 408.0815, Labor Code, as added by this Act, not later than January 1, 2012.

SECTION 4. This Act takes effect September 1, 2011.

HB 1111 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Hartnett called up with senate amendments for consideration at this time,

HB 1111, A bill to be entitled An Act relating to a tenant's failure to pay rent during an appeal of an eviction for nonpayment of rent after filing a pauper's affidavit.

Representative Hartnett moved to concur in the senate amendments to **HB 1111**.

The motion to concur in the senate amendments to **HB 1111** prevailed by (Record 1604): 141 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Castro; Chisum; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Geren; Giddings; 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; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; 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; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Burnam; Christian; Garza; Miles; Price.

Absent — Eissler; Gonzales, L.

Senate Committee Substitute

CSHB 1111, A bill to be entitled An Act relating to a tenant's failure to pay rent during an appeal of an eviction for nonpayment of rent after filing a pauper's affidavit.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 24.004, Property Code, is amended to read as follows:

Sec. 24.004. JURISDICTION. A justice court in the precinct in which the real property is located has jurisdiction in eviction suits. Eviction suits include forcible entry and detainer and forcible detainer suits. A justice court has jurisdiction to issue a writ of possession under Sections 24.0054(a), (a-2), and (a-3).

SECTION 2. Section 24.0053, Property Code, is amended by adding Subsections (a-1) and (a-2) to read as follows:

(a-1) If a tenant files a pauper's affidavit in the period prescribed by Section 24.0052 to appeal an eviction for nonpayment of rent, the justice court shall provide to the tenant a written notice at the time the pauper's affidavit is filed that contains the following information in bold or conspicuous type:

(1) the amount of the initial deposit of rent stated in the judgment that the tenant must pay into the justice court registry;

(2) whether the initial deposit must be paid in cash, cashier's check, or money order, and to whom the cashier's check or money order, if applicable, must be made payable;

(3) the calendar date by which the initial deposit must be paid into the justice court registry;

(4) for a court that closes before 5 p.m. on the date specified by Subdivision (3), the time the court closes; and

(5) a statement that failure to pay the required amount into the justice court registry by the date prescribed by Subdivision (3) may result in the court issuing a writ of possession without hearing.

(a-2) The date by which an initial deposit must be paid into the justice court registry under Subsection (a-1)(3) must be within five days of the date the tenant files the pauper's affidavit as required by Rule 749b(1), Texas Rules of Civil Procedure.

SECTION 3. Section 24.0054, Property Code, is amended by amending Subsections (a) and (e) and adding Subsections (a-1), (a-2), (a-3), and (a-4) to read as follows:

(a) During an appeal of an eviction case for nonpayment of rent, the justice court on request shall immediately issue a writ of possession, without hearing, if:

(1) a tenant fails to pay the initial rent deposit into the justice court registry within five days of the date the tenant filed a pauper's affidavit as required by Rule 749b(1), Texas Rules of Civil Procedure, and Section 24.0053;

(2) the justice court has provided the written notice required by Section 24.0053(a-1); and

(3) the justice court has not yet forwarded the transcript and original papers to the county court as provided by Subsection (a-2).

(a-1) The sheriff or constable shall execute a writ of possession under Subsection (a) in accordance with Sections 24.0061(d) through (h). The landlord shall bear the costs of issuing and executing the writ of possession.

(a-2) The justice court shall forward the transcript and original papers in an appeal of an eviction case to the county court but may not forward the transcript and original papers before the sixth day after the date the tenant files a pauper's affidavit, except that, if the court confirms that the tenant has timely paid the initial deposit of rent into the justice court registry in accordance with Section 24.0053, the court may forward the transcript and original papers immediately. If the tenant has not timely paid the initial deposit into the justice court registry, the justice court on request shall issue a writ of possession notwithstanding the fact that the tenant has perfected an appeal by filing a pauper's affidavit that has been approved by the court. The justice court shall forward the transcript and original papers in the case to the county court for trial de novo, notwithstanding the fact that a writ of possession under this section has already been issued.

(a-3) Notwithstanding Subsections (a) and (a-2), the justice court may not issue a writ of possession if the tenant has timely deposited the tenant's portion of the rent claimed by the tenant under Section 24.0053(d).

(a-4) During an appeal of an eviction case for nonpayment of rent, if a tenant fails to pay rent into the justice court or county court registry as the rent becomes due under the rental agreement in accordance with the Texas Rules of Civil Procedure and Section 24.0053, the landlord may file with the county court a sworn motion that the tenant failed to pay rent as required. The landlord shall notify the tenant of the motion and the hearing date.

(e) In a motion or hearing [~~in county court~~] under Subsection (a-4), or in a motion to dismiss an appeal of an eviction case in county court [~~(a)~~], the parties may represent themselves or be represented by their authorized agents, who need not be attorneys.

SECTION 4. The change in law made by this Act applies only to an eviction suit filed on or after the effective date of this Act. A suit filed before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 5. This Act takes effect January 1, 2012.

HB 2981 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Hunter called up with senate amendments for consideration at this time,

HB 2981, A bill to be entitled An Act relating to the operation on a highway or street of a motor vehicle that is drawing a boat or personal watercraft in or on which a person is riding; providing a penalty.

Representative Hunter moved to concur in the senate amendments to **HB 2981**.

The motion to concur in the senate amendments to **HB 2981** prevailed by (Record 1605): 140 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Castro; Chisum; Coleman; Cook; Craddock; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; 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; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Carter.

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

Absent, Excused — Burnam; Christian; Garza; Miles; Price.

Absent — Allen; Solomons.

Senate Committee Substitute

CSHB 2981, A bill to be entitled An Act relating to the operation on a highway or street of a motor vehicle that is drawing a boat or personal watercraft in or on which a child is riding; providing a penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter I, Chapter 545, Transportation Code, is amended by adding Section 545.4145 to read as follows:

Sec. 545.4145. RIDING IN OR ON BOAT OR PERSONAL WATERCRAFT DRAWN BY VEHICLE; OFFENSE. (a) A person commits an offense if the person operates a motor vehicle on a highway or street when a child younger than 18 years of age is occupying a boat or personal watercraft being drawn by the motor vehicle.

(b) It is a defense to prosecution under this section that the person was:

- (1) operating the motor vehicle in a parade or in an emergency; or
- (2) operating the motor vehicle on a beach.

(c) In this section, "boat" and "personal watercraft" have the meanings assigned by Section 31.003, Parks and Wildlife Code.

SECTION 2. This Act takes effect September 1, 2011.

**HB 3409 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Kolkhorst called up with senate amendments for consideration at this time,

HB 3409, A bill to be entitled An Act relating to reporting of changes in lobbying activities during a legislative session.

Representative Kolkhorst moved to concur in the senate amendments to **HB 3409**.

The motion to concur in the senate amendments to **HB 3409** prevailed by (Record 1606): 140 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Callegari; Carter; Castro; Chisum; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; 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; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; 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; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Burnam; Christian; Garza; Miles; Price.

Absent — Alonzo; Cain; Davis, Y.

Senate Committee Substitute

CSHB 3409, A bill to be entitled An Act relating to reporting of lobbying activities and changes in lobbying activities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 305.005(k), Government Code, is amended to read as follows:

(k) If there is a change in the information required to be reported by a registrant under this section, other than Subsection (h) or (i), and that changed information is not timely reported on a report due under Section 305.007, the registrant shall file an amended registration ~~[statement]~~ reflecting the change with

the commission not later than the date on which an amended registration is due under Section 305.0065 or the next report is due under Section 305.007, as applicable.

SECTION 2. Subchapter A, Chapter 305, Government Code, is amended by adding Section 305.0065 to read as follows:

Sec. 305.0065. AMENDED REGISTRATION DURING LEGISLATIVE SESSION. (a) This section applies only during the period beginning on the date a regular legislative session convenes and continuing through the date of final adjournment.

(b) A registrant shall file with the commission an amended registration if there is a change in:

(1) the person who reimburses, retains, or employs the registrant and on whose behalf the registrant has communicated directly with a member of the legislative or executive branch to influence legislation or administrative action; or

(2) the subject matter about which the registrant has communicated directly with a member of the legislative or executive branch.

(c) The amended registration must be written and verified and must contain the information required in Section 305.005.

(d) The registrant must file the amended registration not later than the fifth day after the date on which the registrant, any person the registrant retains or employs to appear on the registrant's behalf, or any other person appearing on the registrant's behalf makes the first direct communication with a member of the legislative or executive branch:

(1) on behalf of a person not included in the registrant's registration, the registrant's last activity report, or any other registration and who reimburses, retains, or employs the registrant to communicate directly with a member of the legislative or executive branch to influence legislation or administrative action; or

(2) about any subject matter not included in the registrant's registration, the registrant's last activity report, or any other registration.

SECTION 3. Section 305.006, Government Code, is amended by adding Subsection (g) to read as follows:

(g) For expenditures required to be reported under this section, the authorized expenditures described by Sections 305.025(3) and (4) include expenditures for an individual described by Sections 305.0062(a)(1)-(6).

SECTION 4. Section 305.009, Government Code, is amended by adding Subsection (e) to read as follows:

(e) The commission shall make available on its website an amended registration filed under Section 305.0065 not later than the next business day after the date the amended registration is filed.

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2011.

**HB 2463 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Reynolds called up with senate amendments for consideration at this time,

HB 2463, A bill to be entitled An Act relating to access to certain records regarding an employment discrimination claim.

Representative Reynolds moved to concur in the senate amendments to **HB 2463**.

The motion to concur in the senate amendments to **HB 2463** prevailed by (Record 1607): 143 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Castro; Chisum; 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; 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; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; 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; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Burnam; Christian; Garza; Miles; Price.

Senate Committee Substitute

CSHB 2463, A bill to be entitled An Act relating to access to certain records regarding an employment discrimination claim.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 21.304, Labor Code, is amended to read as follows:

Sec. 21.304. CONFIDENTIALITY OF RECORDS. An officer or employee of the commission may not disclose to the public information obtained by the commission under Section 21.204 except in compliance with Section 21.305 and as necessary to the conduct of a proceeding under this chapter.

SECTION 2. Section 21.305, Labor Code, is amended to read as follows:

Sec. 21.305. ACCESS TO COMMISSION RECORDS. (a) Except as provided by Subsection (c), the [The] commission shall adopt rules allowing a party to a complaint filed under Section 21.201 reasonable access to commission records relating to the complaint.

(b) Except as provided by Subsection (c), unless [Unless] the complaint is resolved through a voluntary settlement or conciliation, on the written request of a party the executive director shall allow the party access to the commission records:

- (1) after the final action of the commission; or
- (2) if a civil action relating to the complaint is filed in federal court alleging a violation of federal law.

(c) Notwithstanding Section 552.023, Government Code, the following information is not considered public information for the purposes of Chapter 552, Government Code, and may not be disclosed to a party to a complaint filed under Section 21.201:

(1) identifying information of persons other than the parties and witnesses to the complaint;

(2) identifying information about confidential witnesses, including any confidential statement given by the witness;

(3) sensitive medical information about the charging party or a witness to the complaint that is:

(A) provided by a person other than the person requesting the information; and

(B) not relevant to issues raised in the complaint, including information that identifies injuries, impairments, pregnancies, disabilities, or other medical conditions that are not obviously apparent or visible;

(4) identifying information about a person other than the charging party that is found in sensitive medical information regardless of whether the information is relevant to the complaint;

(5) nonsensitive medical information that is relevant to the complaint if the disclosure would result in an invasion of personal privacy, unless the information is generally known or has been previously reported to the public;

(6) identifying information about other respondents or employers not a party to the complaint;

(7) information relating to settlement offers or conciliation agreements received from one party that was not conveyed to the other and information contained in a separate alternative dispute resolution file prepared for mediation purposes; and

(8) identifying information about a person on whose behalf a complaint was filed if the person has requested that the person's identity as a complaining party remain confidential.

(d) In this section, "identifying information" has the meaning assigned by Section 32.51, Penal Code.

SECTION 3. This Act takes effect September 1, 2011.

**HB 2702 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Solomons called up with senate amendments for consideration at this time,

HB 2702, A bill to be entitled An Act relating to the application of statutes that classify political subdivisions according to population.

Representative Solomons moved to concur in the senate amendments to **HB 2702**.

The motion to concur in the senate amendments to **HB 2702** prevailed by (Record 1608): 140 Yeas, 2 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Castro; Chisum; Coleman; Cook; Craddick; Creighton; Crownover; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; 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; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; 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; Woolley; Workman; Zedler; Zerwas.

Nays — Darby; Lewis.

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

Absent, Excused — Burnam; Christian; Garza; Miles; Price.

Absent — Quintanilla.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 2702** (house engrossment) as follows:

(1) In SECTION 181 of the bill, in amended Section 36.121, Water Code, insert "but greater than 100,000" between "less" and "and" on page 81, line 17.

(2) In SECTION 181 of the bill, in amended Section 36.121, Water Code, insert "but greater than 100,000" between "less" and the comma on page 81, line 20.

Senate Amend No. 2 (Senate Committee Amendment No. 1)

Amend **HB 2702** (house engrossed version) in SECTION 122 of the bill, in amended Section 352.002(a)(12), Tax Code (page 57, line 27), by striking "36,000 [~~35,000~~]" and substituting "35,000".

**HB 742 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Hunter called up with senate amendments for consideration at this time,

HB 742, A bill to be entitled An Act relating to student information required to be provided at the time of enrollment in public schools.

Representative Hunter moved to concur in the senate amendments to **HB 742**.

The motion to concur in the senate amendments to **HB 742** prevailed by (Record 1609): 140 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Castro; Chisum; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; King, P.; King, S.; 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; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; 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; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Burnam; Christian; Garza; Miles; Price.

Absent — Elkins; Harper-Brown; King, T.

Senate Committee Substitute

CSHB 742, A bill to be entitled An Act relating to student information required to be provided at the time of enrollment in public schools.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 25, Education Code, is amended by adding Section 25.0022 to read as follows:

Sec. 25.0022. FOOD ALLERGY INFORMATION REQUESTED UPON ENROLLMENT. (a) In this section, "severe food allergy" means a dangerous or life-threatening reaction of the human body to a food-borne allergen introduced by inhalation, ingestion, or skin contact that requires immediate medical attention.

(b) On enrollment of a child in a public school, a school district shall request, by providing a form or otherwise, that a parent or other person with legal control of the child under a court order:

(1) disclose whether the child has a food allergy or a severe food allergy that, in the judgment of the parent or other person with legal control, should be disclosed to the district to enable the district to take any necessary precautions regarding the child's safety; and

(2) specify the food to which the child is allergic and the nature of the allergic reaction.

(c) A school district shall maintain the confidentiality of information provided under this section, and may disclose the information to teachers, school counselors, school nurses, and other appropriate school personnel only to the extent consistent with district policy under Section 38.009 and permissible under the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g).

(d) Except as provided by Subsections (e) and (f), information regarding a child's food allergy, regardless of how it is received by the school or school district, shall be retained in the child's student records but may not be placed in the health record maintained for the child by the school district.

(e) If the school receives documentation of a food allergy from a physician, that documentation shall be placed in the health record maintained for the child by the school district.

(f) A registered nurse may enter appropriate notes about a child's possible food allergy in the health record maintained for the child by the school district, including a notation that the child's student records indicate that a parent has notified the school district of the child's possible food allergy.

SECTION 2. This Act applies beginning with the 2011-2012 school year.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2011.

HB 1759 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Rodriguez called up with senate amendments for consideration at this time,

HB 1759, A bill to be entitled An Act relating to the creation of the Pilot Knob Municipal Utility District No. 4; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

Representative Rodriguez moved to concur in the senate amendments to **HB 1759**.

The motion to concur in the senate amendments to **HB 1759** prevailed by (Record 1610): 141 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Castro; Chisum; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; 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; Laubenber; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; 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; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Burnam; Christian; Garza; Miles; Price.

Absent — Eiland; Quintanilla.

Senate Committee Substitute

CSHB 1759, A bill to be entitled An Act relating to the creation of the Pilot Knob Municipal Utility District No. 4; providing authority to impose a tax and issue bonds.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 8378 to read as follows:

CHAPTER 8378. PILOT KNOB MUNICIPAL UTILITY DISTRICT NO. 4

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8378.001. DEFINITIONS. In this chapter:

- (1) "Board" means the district's board of directors.
- (2) "Commission" means the Texas Commission on Environmental

Quality.

- (3) "Director" means a board member.
- (4) "District" means the Pilot Knob Municipal Utility District No. 4.
- (5) "Municipality" means a municipality in whose corporate limits or

extraterritorial jurisdiction the district is located.

Sec. 8378.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8378.003. CONFIRMATION AND DIRECTORS' ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect permanent directors as provided by Section 8378.051 of this code and Section 49.102, Water Code.

Sec. 8378.004. CONSENT OF MUNICIPALITY REQUIRED. (a) The temporary directors may not hold an election under Section 8378.003 until each municipality has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district.

(b) If a municipality does not consent to the creation of the district or if the district does not enter into an agreement required by the terms of the municipal ordinance or resolution consenting to the creation of the district under this section before September 1, 2012:

(1) the district is dissolved September 1, 2012, except that:

(A) any debts incurred shall be paid;

(B) any assets that remain after the payment of debts shall be transferred to the municipality or another local governmental entity to be used for a public purpose; and

(C) the organization of the district shall be maintained until all debts are paid and remaining assets are transferred; and

(2) this chapter expires September 1, 2012.

Sec. 8378.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a) The district is created to serve a public purpose and benefit.

(b) The district is created to accomplish the purposes of:

(1) a municipal utility district as provided by general law and Section 59, Article XVI, Texas Constitution; and

(2) Section 52, Article III, Texas Constitution, that relate to the construction, acquisition, or improvement of macadamized, graveled, or paved roads described by Section 54.234, Water Code, or improvements, including storm drainage, in aid of those roads.

Sec. 8378.006. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2 of the Act enacting this chapter.

(b) The boundaries and field notes contained in Section 2 of the Act enacting this chapter form a closure. A mistake made in the field notes or in copying the field notes in the legislative process does not affect the district's:

(1) organization, existence, or validity;

(2) right to issue any type of bond for the purposes for which the district is created or to pay the principal of and interest on a bond;

(3) right to impose a tax; or

(4) legality or operation.

[Sections 8378.007-8378.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8378.051. GOVERNING BODY; TERMS. (a) Except as provided by Subsection (b), the district is governed by a board of five elected directors.

(b) If required under the terms of the agreement, ordinance, or resolution by which a municipality consents to the creation of the district, the board consists of:

(1) four elected directors; and

(2) one director appointed by the governing body of the municipality.

(c) A director appointed under Subsection (b)(2) is not required to be a qualified voter of the district or to own land subject to taxation in the district.

(d) Except as provided by Section 8378.052, directors serve staggered four-year terms. A permanent director may not serve more than two four-year terms.

(e) The common law doctrine of incompatibility does not disqualify an official or employee of a municipality from being appointed a director by the governing body of a municipality under Subsection (b)(2), and a director appointed to the board may continue to serve in a public office of or be employed by the municipality.

Sec. 8378.052. TEMPORARY DIRECTORS. (a) On or after the effective date of the Act enacting this chapter, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as temporary directors the five persons named in the petition. The commission shall appoint as temporary directors the five persons named in the petition.

(b) Temporary directors serve until the earlier of:

(1) the date permanent directors are elected under Section 8378.003; or

(2) the fourth anniversary of the effective date of the Act enacting this

chapter.

(c) If permanent directors have not been elected under Section 8378.003 and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:

(1) the date permanent directors are elected under Section 8378.003; or

(2) the fourth anniversary of the date of the appointment or

reappointment.

(d) If Subsection (c) applies, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as successor temporary directors the five persons named in the petition. The commission shall appoint as successor temporary directors the five persons named in the petition.

[Sections 8378.053-8378.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8378.101. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 8378.102. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.

Sec. 8378.103. AUTHORITY FOR ROAD PROJECTS. (a) Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, and convey to this state, a county, or a

municipality for operation and maintenance macadamized, graveled, or paved roads described by Section 54.234, Water Code, or improvements, including storm drainage, in aid of those roads.

(b) The district may exercise the powers provided by this section without submitting a petition to or obtaining approval from the commission as required by Section 54.234, Water Code.

Sec. 8378.104. APPROVAL OF ROAD PROJECT. (a) The district may not undertake a road project authorized by Section 8378.103 unless:

(1) each municipality or county that will operate and maintain the road has approved the plans and specifications of the road project, if a municipality or county will operate and maintain the road; or

(2) the Texas Transportation Commission has approved the plans and specifications of the road project, if the state will operate and maintain the road.

(b) Except as provided by Subsection (a), the district is not required to obtain approval from the Texas Transportation Commission to design, acquire, construct, finance, issue bonds for, improve, or convey a road project.

Sec. 8378.105. COMPLIANCE WITH AND ENFORCEABILITY OF MUNICIPAL CONSENT AGREEMENT, ORDINANCE, OR RESOLUTION.

(a) The district shall comply with all applicable requirements of any ordinance or resolution that is adopted under Section 54.016 or 54.0165, Water Code, and that consents to the creation of the district or to the inclusion of land in the district.

(b) Any agreement between the district and a municipality related to the municipality's consent to the creation of the district is valid and enforceable.

(c) On the issuance of bonds by the district, the district is considered to have waived sovereign immunity to suit by a municipality for the purpose of adjudicating a claim for breach of an agreement described by this section.

Sec. 8378.106. CONTRACT TO FURTHER REGIONAL COOPERATION. The district and a municipality may contract on terms that the board and governing body of the municipality agree will further regional cooperation between the district and the municipality.

Sec. 8378.107. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

[Sections 8378.108-8378.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8378.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The district may issue, without an election, bonds and other obligations secured by:

(1) revenue other than ad valorem taxes; or

(2) contract payments described by Section 8378.153.

(b) The district must hold an election in the manner provided by Chapters 49 and 54, Water Code, to obtain voter approval before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes.

(c) The district may not issue bonds payable from ad valorem taxes to finance a road project unless the issuance is approved by a vote of a two-thirds majority of the district voters voting at an election held for that purpose.

Sec. 8378.152. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 8378.151, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.

(b) The board shall determine the tax rate. The rate may not exceed the rate approved at the election.

(c) If required by an agreement between the district and a municipality under Section 8378.105, the total ad valorem tax rate of the district may not be less than the total ad valorem tax rate of the municipality.

Sec. 8378.153. CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.

(b) A contract approved by the district voters may contain a provision stating that the contract may be modified or amended by the board without further voter approval.

[Sections 8378.154-8378.200 reserved for expansion]

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 8378.201. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources, to pay for any authorized district purpose.

Sec. 8378.202. TAXES FOR BONDS. At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

Sec. 8378.203. BONDS FOR ROAD PROJECTS. At the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of the real property in the district.

[Sections 8378.204-8378.250 reserved for expansion]

SUBCHAPTER F. STRATEGIC PARTNERSHIP AGREEMENT; MUNICIPAL ANNEXATION AND NOTICE

Sec. 8378.251. STRATEGIC PARTNERSHIP; CONTINUATION OF DISTRICT AFTER ANNEXATION BY MUNICIPALITY. (a) The district may continue to exist as a limited district after full-purpose annexation by a municipality if the district and the annexing municipality state the terms of the limited district's existence in a strategic partnership agreement under Section 43.0751, Local Government Code.

(b) The strategic partnership agreement may provide for a term of any number of years. The limitation in Section 43.0751(g)(2), Local Government Code, on the length of the term does not apply to a limited district created under this section.

Sec. 8378.252. MUNICIPAL ANNEXATION; NOTICE. (a) Sections 43.0561 and 43.0562, Local Government Code, do not apply to the annexation of the district by a municipality that consents to the creation of the district under Section 8378.004.

(b) Not later than the 30th day after the date a municipality adopts a resolution or ordinance consenting to the creation of the district, the municipality shall file, in the real property records of the county in which the land to be included in the district is located, a notice to a purchaser of real property in the district that describes:

(1) the municipality's authority and intention to annex the district; and

(2) the anticipated date of the annexation.

(c) After the notice is filed, a person who proposes to sell or otherwise convey real property in the district must include the information contained in the municipality's notice in the Notice to Purchasers required by Section 49.452, Water Code.

SECTION 2. The Pilot Knob Municipal Utility District No. 4 initially includes all the territory contained in the following area: 345.581 acres of land, consisting of the 306.331 acre tract described below as "Tract 1" and the 39.250 acre tract described below as "Tract 2":

A DESCRIPTION OF 345.581 ACRES IN THE SANTIAGO DEL VALLE GRANT IN TRAVIS COUNTY, TEXAS, BEING ALL OF A 73.453 ACRE TRACT DESCRIBED IN A GENERAL WARRANTY DEED TO JONA ACQUISITION INC., DATED NOVEMBER 28, 2006 AND RECORDED IN DOCUMENT NO. 2006229773 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, ALL OF A 31.022 ACRE TRACT DESCRIBED IN A SPECIAL WARRANTY DEED TO JONA ACQUISITION INC., DATED DECEMBER 16, 2006 AND RECORDED IN DOCUMENT NO. 2006245700 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, ALL OF A 29.293 ACRE TRACT DESCRIBED IN A GENERAL WARRANTY DEED TO JONA ACQUISITION INC., DATED NOVEMBER 21, 2006 AND RECORDED IN DOCUMENT NO. 2006225633 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, ALL OF A 28.461 ACRE TRACT DESCRIBED IN A GENERAL WARRANTY DEED TO JONA ACQUISITION INC., DATED SEPTEMBER 15, 2006 AND RECORDED IN DOCUMENT NO. 2006182621 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF A 55.222 ACRE TRACT DESCRIBED IN A SPECIAL WARRANTY DEED TO JONA ACQUISITION INC., DATED APRIL 2, 2006 AND RECORDED IN DOCUMENT NO. 2007060712 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF A 60.921 ACRE TRACT DESCRIBED IN A SPECIAL WARRANTY DEED TO JONA ACQUISITION INC., DATED DECEMBER 12, 2006 AND RECORDED IN DOCUMENT NO. 2006239174 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF A 51.942 ACRE TRACT DESCRIBED IN A GENERAL WARRANTY DEED TO JONA ACQUISITION INC., DATED DECEMBER 1, 2006 AND RECORDED IN DOCUMENT NO. 2006233636 OF THE OFFICIAL PUBLIC RECORDS OF

TRAVIS COUNTY, TEXAS, A PORTION OF A 25.119 ACRE TRACT DESCRIBED IN A SPECIAL WARRANTY DEED TO JONA ACQUISITION INC., DATED APRIL 2, 2006 AND RECORDED IN DOCUMENT NO. 2007060707 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF A 7.602 ACRE TRACT DESCRIBED IN A SPECIAL WARRANTY DEED TO JONA ACQUISITION INC., DATED APRIL 2, 2006 AND RECORDED IN DOCUMENT NO. 2007060704 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF A 23.694 ACRE TRACT DESCRIBED IN A SPECIAL WARRANTY DEED TO JONA ACQUISITION INC., DATED APRIL 2, 2006 AND RECORDED IN DOCUMENT NO. 2007060710 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, ALL OF A 1.000 ACRE TRACT DESCRIBED IN A GENERAL WARRANTY DEED TO JONA ACQUISITION INC., DATED JANUARY 8, 2007 AND RECORDED IN DOCUMENT NO. 2007005138 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF LOT A, HARRY REININGER SUBDIVISION, A SUBDIVISION OF RECORD IN VOLUME 65, PAGE 47 OF THE PLAT RECORDS OF TRAVIS COUNTY TEXAS, CONVEYED TO JOHN HALDENSTEIN & RUTH HALDENSTEIN IN WARRANTY DEED WITH VENDOR'S LIEN DATED SEPTEMBER 29, 2000 AND RECORDED IN DOCUMENT NO. 2000161977 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY TEXAS, A PORTION OF A 42.558 ACRE TRACT DESCRIBED IN A GENERAL WARRANTY DEED TO JONA ACQUISITION INC., DATED MAY 16, 2008 AND RECORDED IN DOCUMENT NO. 2008083861 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF A 20.005 ACRE TRACT DESCRIBED IN A WARRANTY DEED WITH VENDOR'S LIEN TO JOHN T. HALDENSTEIN AND JOSHUA N. HALDENSTEIN, DATED DECEMBER 14, 2000 AND RECORDED IN DOCUMENT NO. 2000203669 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF A 98.656 ACRE TRACT DESCRIBED IN A GENERAL WARRANTY DEED TO JONA ACQUISITION INC., DATED OCTOBER 19, 2006 AND RECORDED IN DOCUMENT NO. 2006204344 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, ALL OF A 9.662 ACRE TRACT DESCRIBED IN A GENERAL WARRANTY DEED TO JONA ACQUISITION INC., DATED DECEMBER 14, 2007 AND RECORDED IN DOCUMENT NO. 2007224638 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF A 232.233 ACRE TRACT DESCRIBED IN A SPECIAL WARRANTY WITH VENDOR'S LIEN TO JONA ACQUISITION INC., DATED JANUARY 8, 2009 AND RECORDED IN DOCUMENT NO. 2009003190 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND PORTIONS OF SASSMAN ROAD (70' RIGHT-OF-WAY); SAID 345.581 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:
TRACT 1, 306.331 ACRES:

BEGINNING at a calculated point in the east right-of-way line of Thaxton Road (50' right-of-way) for the northwest corner of said 73.453 acre tract, same being the west corner of a 2.76 acre tract described in a deed to Carl H. Dittmar, recorded in Volume 12562, Page 428 of the Real Property Records of Travis County, Texas, from which a 1/2" rebar found bears North 61°56'44" West, a distance of 0.44 feet;

THENCE with the north line of said 73.453 acre tract, same being the south line of said 2.76 acre tract, the following two (2) courses and distances:

1. South 61°56'44" East, a distance of 404.65 feet to a 1/2" rebar found;
2. North 27°52'53" East, a distance of 294.18 feet to a 1/2" rebar found for a north corner of said 73.453 acre tract, same being the east corner of said 2.76 acre tract, also being in the southwest line of a tract called 21 acres in a deed to Max F. Ehrlich, recorded in Volume 1945, Page 416 of the Deed Records of Travis County, Texas;

THENCE South 60°59'42" East, with the northeast line of said 73.453 acre tract, same being the southwest line of said 21 acre tract, a distance of 2857.05 feet to a 60D nail found for the northeast corner of said 73.453 acre tract, same being the south corner of said 21 acre tract, also being in the northwest line of said 29.293 acre tract;

THENCE North 27°46'44" East, with the northwest line of said 29.293 acre tract, same being the southeast line of said 21 acre tract, a distance of 1083.71 feet to a 1/2" rebar with Chaparral cap found in the south right-of-way line of Sassman Road;

THENCE North 28°38'04" East, crossing Sassman Road, a distance of 70.04 feet to a calculated point for the north right-of-way line of Sassman Road, same being the southwest line of a 2.00 acre tract described in a deed to Anselmo Medina and spouse, Oralia Medina, recorded in Document No. 2002227115 of the Official Public Records of Travis County, Texas;

THENCE South 61°39'26" East, with the north right-of-way line of Sassman Road, same being the southwest line of said 2.00 acre tract, the southwest line of a 1.00 acre tract described in a deed to Gerald D. Shoulders and Rosemary Shoulders, recorded in Volume 12233, Page 1678 of the Real Property Records of Travis County, Texas, the southwest line of a 1.00 acre tract described in a deed to Amir Batoeinngi, recorded in Document No. 2008060410 of the Official Public Records of Travis County, Texas, and the southwest line of a 1.00 acre tract described in a deed to Abacu Perez and Felicitas Perez, recorded in Document No. 2006189910 of the Official Public Records of Travis County, Texas, a distance of 547.23 feet to a calculated point;

THENCE South 63°50'26" East, continuing with the north right-of-way line of Sassman Road, same being the southwest line of said 1.00 acre Perez tract, a distance of 14.13 feet to a 1/2" rebar found for the south corner of said 1.00 acre Perez tract, same being the west corner of said Lot A;

THENCE North 26°09'41" East, with the northwest line of said Lot A, same being the southeast line of said 1.00 acre Perez tract, a distance of 362.16 feet to a calculated point for the east corner of said 1.00 acre Perez tract, same being the south corner of said 20.005 acre tract;

THENCE North $61^{\circ}26'42''$ West, with the southwest line of said 20.005 acre tract, same being the northeast line of said 1.00 acre Perez tract, a distance of 113.09 feet to a 1/2" rebar found for an angle point in the southwest line of said 20.005 acre tract, same being the north corner of said 1.00 acre Perez tract, also being in the southeast line of a 1.25 acre tract described in said deed to Amir Batoeinggi;

THENCE North $28^{\circ}21'23''$ East, continuing with the southwest line of said 20.005 acre tract, same being the southeast line of said 1.25 acre tract, a distance of 106.07 feet to a 1/2" rebar found for the east corner of said 1.25 acre tract;

THENCE North $61^{\circ}29'11''$ West, continuing with the southwest line of said 20.005 acre tract, same being the northeast line of said 1.25 acre tract, and a 1.25 acre tract described in said deed to Gerald Shoulders, a distance of 417.23 feet to a 1" iron pipe found for the west corner of said 20.005 acre tract, same being the north corner of said 1.25 acre Shoulders tract, also being in the southeast line of a 20.022 acre tract described in a deed to Janie Diaz, recorded in Document No. 2006101103, said 20.022 acre tract being further described in Document No. 2001200503, both of the Official Public Records of Travis County, Texas;

THENCE North $27^{\circ}07'27''$ East, with the northwest line of said 20.005 acre tract, same being the southeast line of said 20.022 acre tract, a distance of 162.08 feet to a calculated point;

THENCE crossing said 20.005 acre tract, said Lot A, said 42.558 acre tract, Sassman Road, said 23.694 acre tract, said 7.602 acre tract, said 25.119 acre tract, said 55.222 acre tract, said 51.942 acre tract, said 60.921 acre tract, and said 98.656 acre tract, the following eleven (11) courses and distances:

1. South $61^{\circ}48'21''$ East, a distance of 672.64 feet to a calculated point;
2. South $28^{\circ}11'39''$ West, a distance of 1597.96 feet to a calculated point;
3. With a curve to the left, having a radius of 580.00 feet, a delta angle of $69^{\circ}45'07''$, an arc length of 706.10 feet, and a chord which bears South $06^{\circ}40'54''$ East, a distance of 663.29 feet to a calculated point;
4. South $41^{\circ}33'28''$ East, a distance of 274.95 feet to a calculated point;
5. With a curve to the right, having a radius of 500.00 feet, a delta angle of $96^{\circ}25'47''$, an arc length of 841.51 feet, and a chord which bears South $06^{\circ}39'26''$ West, a distance of 745.65 feet to a calculated point;
6. South $54^{\circ}52'19''$ West, a distance of 25.40 feet to a calculated point;
7. South $35^{\circ}07'41''$ East, a distance of 344.76 feet to a calculated point;
8. With a curve to the right, having a radius of 1000.01 feet, a delta angle of $40^{\circ}36'48''$, an arc length of 708.84 feet, and a chord which bears South $14^{\circ}49'17''$ East, a distance of 694.09 feet to a calculated point;
9. South $05^{\circ}29'07''$ West, a distance of 423.15 feet to a calculated point;
10. With a curve to the left, having a radius of 1800.01 feet, a delta angle of $68^{\circ}24'29''$, an arc length of 2149.12 feet, and a chord which bears South $28^{\circ}43'07''$ East, a distance of 2023.72 feet to a calculated point;
11. South $62^{\circ}55'22''$ East, a distance of 149.13 feet to a calculated point in the west right-of-way line of F. M. 1625 (80' right-of-way), same being the southeast line of said 98.656 acre tract;

THENCE South $27^{\circ}04'38''$ West, with the west right-of-way line of F. M. 1625, same being the southeast line of said 98.656 acre tract, a distance of 699.69 feet to a calculated point for the south corner of said 98.656 acre tract, same being the east corner of a 10.067 acre tract described in a deed to Carlos Yescas and Elvira Yescas, recorded in Document No. 2003084397 of the Official Public Records of Travis County, Texas;

THENCE North $62^{\circ}25'04''$ West, with the southwest line of said 98.656 acre tract, same being the northeast line of said 10.067 acre tract, and the northeast line of Lot 6, Las Lomitas Subdivision, a subdivision of record in Document No. 200200226 of the Official Public Records of Travis County, Texas, at a distance of 0.11 feet passing a 1/2" rebar found, and continuing for a total distance of 1097.97 feet to a 1/2" rebar found in the northeast line of said Lot 6, for the southwest corner of said 98.656 acre tract, same being the southeast corner of said 60.921 acre tract;

THENCE North $62^{\circ}26'10''$ West, with the southwest line of said 60.921 acre tract, same being the northeast line of said Lot 6 and Lot 15 Las Lomitas Subdivision, a distance of 1283.28 feet to a 1/2" rebar with Chaparral cap found for the southwest corner of said 60.921 acre tract, same being the south corner of a 58 acre tract described in a deed to Fred J. Wende, recorded in Volume 11849, Page 396 of the Real Property Records of Travis County, Texas;

THENCE North $27^{\circ}00'49''$ East, with the northwest line of said 60.921 acre tract, same being the southeast line of said 58 acre tract, a distance of 1221.01 feet to an 80D nail found for the east corner of said 58 acre tract, same being the south corner of said 55.222 acre tract;

THENCE North $60^{\circ}57'25''$ West, with the southwest line of said 55.222 acre tract, same being the northeast line of said 58 acre tract, a distance of 1295.20 feet to a 60D nail found for the southwest corner of said 55.222 acre tract, same being the southeast corner of said 28.461 acre tract;

THENCE North $61^{\circ}18'16''$ West, with the southwest line of said 28.461 acre tract, same being the northeast line of said 58 acre tract, a distance of 329.98 feet to a 1" iron pipe found for the southwest corner of said 28.461 acre tract, same being the southeast corner of said 29.293 acre tract;

THENCE North $61^{\circ}30'47''$ West, with the southwest line of said 29.293 acre tract, same being the northeast line of said 58 acre tract, a distance of 331.97 feet to a 1/2" rebar found for the southwest corner of said 29.293 acre tract, same being the north corner of said 58 acre tract, also being in the southeast line of a 77.22 acre tract described in a deed to William D. Wende, Fred J. Wende and Price T. Wende, recorded in Volume 12171, Page 455 of the Real Property Records of Travis County, Texas;

THENCE North $27^{\circ}46'44''$ East, with the northwest line of said 29.293 acre tract, same being the southeast line of said 77.22 acre tract, the southeast line of a 32.892 acre tract described in a deed to Mark Alexander, recorded in Volume 11513, Page 1451 of the Real Property Records of Travis County, Texas, and the southeast line of a remaining portion of 29.94 acres described in a deed to Santana C. Urias, Jr., recorded in Volume 6132, Page 1217 of the Deed Records

of Travis County, Texas, a distance of 1047.38 feet to a 1/2" rebar with Chaparral cap found for the northeast corner of said remaining portion of 29.94 acres, same being the southeast corner of said 31.022 acre tract;

THENCE North 61°12'34" West, with the southwest line of said 31.022 acre tract, same being the northeast line of said remaining portion of 29.94 acres, and the northeast line of a 2.500 acre tract described in a deed to Cloe Bell Urias, recorded in Volume 9678, Page 891 of the Real Property Records of Travis County, Texas, at a distance of 3268.31 feet passing a 1/2" rebar found, and continuing for a total distance of 3268.82 feet to a calculated point in the east right-of-way line of Thaxton Road, for the west corner of said 31.022 acre tract, same being the north corner of said 2.500 acre tract;

THENCE North 28°02'32" East, with the east right-of-way line of Thaxton Road, with the northwest line of said 31.022 acre tract, a distance of 417.56 feet to a 1/2" rebar found for the north corner of said 31.022 acre tract, same being the west corner of a remaining portion of a 3.22 acre tract described in a deed to Carlin Ann Wilson, recorded in Volume 12562, Page 419 of the Real Property Records of Travis County, Texas, also being the west corner of an access easement described in Volume 12562, Page 407 of the Real Property Records of Travis County, Texas;

THENCE with the northeast line of said 31.022 acre tract, the following two (2) courses and distances:

1. South 61°16'30" East, with southwest line of said remaining portion of 3.22 acres, a distance of 406.03 feet to a 1/2" rebar with Chaparral cap found for the south corner of said remaining portion of 3.22 acres, same being the west corner of an 18.38 acre tract described in a deed to Consumer Solutions, LLC, recorded in Document No. 2010038770 of the Official Public Records of Travis County, Texas;

2. South 61°00'23" East, with the southwest line of said 18.38 acre tract, a distance of 1136.77 feet to a 1/2" rebar with cap found for the south corner of said 18.38 acre tract, same being the southwest corner of said 73.453 acre tract;

THENCE with the northwest line of said 73.453 acre tract, the following three (3) courses and distances:

1. North 27°53'08" East, with the southeast line of said 18.38 acre tract, a distance of 713.60 feet to a 1/2" rebar with cap found for the east corner of said 18.38 acre tract;

2. North 61°59'49" West, with the northeast line of said 18.38 acre tract, and the northeast line of a 3.20 acre tract described in a deed to James J. Williams, recorded in Volume 13116, Page 732 of the Real Property Records of Travis County, Texas, a distance of 1540.66 feet to a 1/2" rebar with Chaparral cap found in the east right-of-way line of Thaxton Road, for the north corner of said 3.20 acre tract;

3. North 28°02'32" East, with the east right-of-way line of Thaxton Road, a distance of 360.56 feet to the POINT OF BEGINNING, containing 306.331 acres of land, more or less.

TRACT 2, 39.250 ACRES:

BEGINNING at a 1/2" rebar with Chaparral cap found in the north right-of-way line of Sassman Road, for the southwest corner of said 232.233 acre tract, same being the southeast corner of a 174.4 acre tract described in a deed to Edward J. Gillen and wife, Mildred Gillen, recorded in Volume 1549, Page 268 of the Deed Records of Travis County, Texas;

THENCE North 27°21'05" East, with the west line of said 232.233 acre tract, same being the east line of said 174.4 acre tract, a distance of 1257.11 feet to a calculated point;

THENCE crossing said 232.233 acre tract, the following two (2) courses and distances:

1. South 36°26'06" East, a distance of 1284.36 feet to a calculated point;
2. With a curve to the left, having a radius of 1490.63 feet, a delta angle of 26°48'48", an arc length of 697.59 feet, and a chord which bears South 52°29'28" East, a distance of 691.24 feet to a calculated point in the east line of said 232.233 acre tract, same being the west line of said 20.022 acre tract;

THENCE South 26°53'42" West, with the west line of said 20.022 acre tract, same being the east line of said 232.233 acre tract and the east line of said 9.662 acre tract, a distance of 621.23 feet to a 1/2" rebar with 5418 cap found in the north right-of-way line of Sassman Road, for the southeast corner of said 9.662 acre tract, same being the southwest corner of said 20.022 acre tract;

THENCE South 29°00'48" West, crossing Sassman Road, a distance of 70.00 feet to a calculated point in the south right-of-way line of Sassman Road, same being the north line of said 21 acre tract;

THENCE North 60°59'12" West, with the south right-of-way line of Sassman Road, same being the north line of said 21 acre tract, a distance of 1838.40 feet to a calculated point;

THENCE North 29°00'48" East, crossing Sassman Road, a distance of 70.00 feet to the POINT OF BEGINNING, containing 39.250 acres of land, more or less.

SECTION 3. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2011.

**HB 2975 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Hunter called up with senate amendments for consideration at this time,

HB 2975, A bill to be entitled An Act relating to continuing education for physicians and nurses regarding the treatment of tick-borne diseases.

Representative Hunter moved to concur in the senate amendments to **HB 2975**.

The motion to concur in the senate amendments to **HB 2975** prevailed by (Record 1611): 140 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Carter; Castro; Chisum; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; 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; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; 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; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Burnam; Christian; Garza; Miles; Price.

Absent — Callegari; Eiland; Vo.

Senate Committee Substitute

CSHB 2975, A bill to be entitled An Act relating to continuing education for physicians and nurses regarding the treatment of tick-borne diseases.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The legislature finds that tick-borne diseases are an important public health issue in Texas. The legislature further finds that medical and nursing education on the appropriate care and treatment of tick-borne diseases is essential to the delivery of necessary health care to individuals in Texas suffering from tick-borne diseases. It is the intent of the legislature to address the need for medical and nursing education on tick-borne diseases through the continuing medical education requirements for physicians and nurses.

SECTION 2. Subchapter B, Chapter 156, Occupations Code, is amended by adding Section 156.059 to read as follows:

Sec. 156.059. CONTINUING EDUCATION IN TICK-BORNE DISEASES. (a) A physician licensed under this subtitle who submits an application for renewal of a license to practice medicine and whose practice includes the treatment of tick-borne diseases is encouraged to include continuing medical education in the treatment of tick-borne diseases among the hours of continuing medical education completed for purposes of rules adopted under Section 156.051(a)(2).

(b) The board shall adopt rules to establish the content of and approval requirements for continuing medical education relating to the treatment of tick-borne diseases. In adopting rules, the board shall seek input from affected parties and review relevant courses, including courses that have been approved in other states. Rules adopted under this section must provide for the identification and approval of accredited continuing medical education courses that represent an appropriate spectrum of relevant medical clinical treatment relating to tick-borne diseases.

(c) If relevant, the board shall consider a physician's participation in a continuing medical education course approved under Subsection (b) if:

(1) the physician is being investigated by the board regarding the physician's selection of clinical care for the treatment of tick-borne diseases; and

(2) the physician completed the course not more than two years before the start of the investigation.

(d) The board may adopt other rules to implement this section.

SECTION 3. Subchapter G, Chapter 301, Occupations Code, is amended by adding Section 301.304 to read as follows:

Sec. 301.304. CONTINUING EDUCATION IN TICK-BORNE DISEASES. (a) As part of the continuing education requirements under Section 301.303, a license holder whose practice includes the treatment of tick-borne diseases shall be encouraged to participate, during each two-year licensing period, in continuing education relating to the treatment of tick-borne diseases.

(b) The board shall adopt rules to identify the license holders who are encouraged to complete continuing education under Subsection (a) and establish the content of that continuing education. In adopting rules, the board shall seek input from affected parties and review relevant courses, including courses that have been approved in other states. Rules adopted under this section must provide that continuing education courses representing an appropriate spectrum of relevant medical clinical treatment relating to tick-borne diseases qualify as approved continuing education courses for license renewal.

(c) If relevant, the board shall consider a license holder's participation in a continuing education course approved under Subsection (b) if:

(1) the license holder is being investigated by the board regarding the license holder's selection of clinical care for the treatment of tick-borne diseases; and

(2) the license holder completed the course not more than two years before the start of the investigation.

(d) The board may adopt other rules to implement this section, including rules under Section 301.303(c) for the approval of education programs and providers.

SECTION 4. The Texas Medical Board and the Texas Board of Nursing shall consult and cooperate in adopting the rules required under Sections 156.059 and 301.304, Occupations Code, as added by this Act.

SECTION 5. Not later than January 31, 2012, the Texas Medical Board shall adopt rules required by Section 156.059, Occupations Code, as added by this Act.

SECTION 6. Not later than January 31, 2012, the Texas Board of Nursing shall adopt rules required by Section 301.304, Occupations Code, as added by this Act.

SECTION 7. Not later than February 6, 2012, the Texas Medical Board and the Texas Board of Nursing shall report to the governor, the lieutenant governor, and the speaker of the house of representatives concerning the adoption of rules as required by Sections 156.059 and 301.304, Occupations Code, as added by this Act.

SECTION 8. Subsection (c), Section 156.059, and Subsection (c), Section 301.304, Occupations Code, as added by this Act, apply only to the investigation of a complaint or a disciplinary action based on a complaint filed on or after the effective date of this Act. The investigation of a complaint or a disciplinary action based on a complaint filed before that date is governed by the law in effect on the date the complaint was filed, and that law is continued in effect for that purpose.

SECTION 9. This Act takes effect September 1, 2011.

HB 3099 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Kolkhorst called up with senate amendments for consideration at this time,

HB 3099, A bill to be entitled An Act relating to the office of inspector general of the Department of Public Safety.

Representative Kolkhorst moved to concur in the senate amendments to **HB 3099**.

The motion to concur in the senate amendments to **HB 3099** prevailed by (Record 1612): 140 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Castro; Chisum; 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; 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; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Pickett; Pitts; 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; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Burnam; Christian; Garza; Miles; Price.

Absent — Alvarado; Madden; Phillips.

Senate Committee Substitute

CSHB 3099, A bill to be entitled An Act relating to the office of inspector general of the Department of Public Safety.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 411, Government Code, is amended by adding Subchapter I-1, and a heading is added to that subchapter to read as follows:

SUBCHAPTER I-1. OFFICE OF INSPECTOR GENERAL

SECTION 2. Section 411.244, Government Code, is transferred to Subchapter I-1, Chapter 411, Government Code, as added by this Act, redesignated as Section 411.251, Government Code, and amended, and Subchapter I-1, Chapter 411, Government Code, is amended by adding Sections 411.252, 411.253, 411.254, 411.255, and 411.256 to read as follows:

Sec. 411.251 [411.244]. ESTABLISHMENT AND PURPOSE [~~OFFICE OF INSPECTOR GENERAL~~]. (a) The commission shall establish the office of inspector general.

(b) The office of inspector general [~~which~~] is responsible for:

(1) acting to prevent and detect serious breaches of departmental policy, fraud, and abuse of office, including any acts of criminal conduct within the department; and

(2) independently and objectively reviewing, investigating, delegating [~~an investigation~~], and overseeing the investigation [~~of administrative and all other allegations~~] of:

(A) conduct described [~~referred to~~] in Subdivision (1);

(B) [~~(a)(1) above and the following~~];

[(A)] criminal activity occurring in all divisions of the department;

(C) [(B)] allegations of wrongdoing by department employees;

(D) [(C)] crimes committed on department property; and

(E) [(D)] serious breaches of department policy.

Sec. 411.252. OVERSIGHT OF INVESTIGATIONS. (a) [(b)] The office of inspector general has departmental jurisdiction for oversight and coordination over all investigations occurring on department property or involving department employees.

(b) The office shall coordinate and provide oversight, but is ~~[need]~~ not required to conduct~~[,]~~ all investigations under this subchapter ~~[section]~~.

(c) The inspector general shall delegate any investigation considered potentially appropriate for criminal prosecution ~~[allegations arising under this section]~~ to the Texas Ranger division or the criminal investigations ~~[Criminal Law Enforcement]~~ division of the department for investigation or referral back to the inspector general for further action.

(d) The ~~[However the]~~ inspector general shall continually monitor an investigation referred to another division of the department under Subsection (c), ~~[referred matters]~~ and the inspector general and the division shall report to the commission ~~[along with any other division investigating a matter]~~ on the ~~[its]~~ status of the investigation while pending.

Sec. 411.253. INITIATION OF INVESTIGATIONS. The office of inspector general may only initiate an investigation based on:

(1) authorization from the commission;

(2) approval of the inspector general or deputy inspector general;

(3) approval of the director, a deputy director, an assistant director of the Texas Rangers, or an assistant director of the criminal investigations division for criminal investigations; or

(4) commission rules or approved commission policies ~~[(e) An investigation under this section may be initiated only by the director or the commission].~~

Sec. 411.254. COMMISSION APPOINTMENT AND OVERSIGHT. (a) The commission shall appoint the inspector general and may appoint a deputy inspector general. The inspector general serves until removed by the commission.

(b) The inspector general is not required to be a peace officer as that term is defined by Article 2.12, Code of Criminal Procedure. The commission or director may commission the inspector general as a commissioned peace officer of the department if the inspector general holds a permanent peace officer license issued under Chapter 1701, Occupations Code.

(c) ~~[(d)]~~ The commission has direct oversight over the office of inspector general, including decisions regarding budget and staffing. The ~~[commission shall appoint the]~~ inspector general shall coordinate with the director for administrative support as provided by the commission.

(d) ~~[The inspector general serves until removed by the commission.]~~ The commission shall establish policies to ensure that the commission continues to oversee the office of inspector general as required by this section ~~[subsection]~~ and to ensure that the office of inspector general retains and exercises its original jurisdiction under Section 411.252 ~~[Subsection (b)]~~.

Sec. 411.255. REPORTS. (a) ~~[(e)]~~ The inspector general shall report directly to the commission regarding performance of and activities related to investigations~~[, report to the director for administrative purposes,]~~ and provide the director with information regarding investigations as appropriate.

(b) ~~[(f)]~~ The inspector general shall present at each regularly scheduled commission meeting and at other appropriate times:

(1) reports of investigations; and

(2) a summary of information relating to investigations conducted under this subchapter ~~[section]~~ that includes analysis of the number, type, and outcome of investigations, trends in the investigations, and recommendations to avoid future complaints.

Sec. 411.256. AUTHORITY OF STATE AUDITOR. ~~[(g)]~~ This chapter or other law related to the operation of the department's office of inspector general does not preempt the authority of the state auditor to conduct an audit or investigation under Chapter 321 or other law.

SECTION 3. This Act takes effect September 1, 2011.

HB 1413 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Chisum called up with senate amendments for consideration at this time,

HB 1413, A bill to be entitled An Act relating to the powers and duties of the Castro County Hospital District.

Representative Chisum moved to concur in the senate amendments to **HB 1413**.

The motion to concur in the senate amendments to **HB 1413** prevailed by (Record 1613): 143 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Castro; Chisum; 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; 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; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; 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; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Burnam; Christian; Garza; Miles; Price.

Senate Committee Substitute

CSHB 1413, A bill to be entitled An Act relating to the powers and duties of the Castro County Hospital District.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1013.052, Special District Local Laws Code, is amended to read as follows:

Sec. 1013.052. NOTICE OF ELECTION. Notice [~~Not earlier than the 30th day or later than the 10th day before the date~~] of an election of directors [~~, notice of the election~~] shall be published [~~one time~~] in a newspaper of general circulation in Castro County in accordance with Section 4.003, Election Code.

SECTION 2. Subchapter E, Chapter 1013, Special District Local Laws Code, is amended by adding Sections 1013.209 and 1013.210 to read as follows:

Sec. 1013.209. ADDITIONAL MEANS OF SECURING REPAYMENT OF BONDS. In addition to the authority to issue general obligation bonds and revenue bonds under this subchapter, the board may provide for the security and payment of district bonds from a pledge of a combination of ad valorem taxes as authorized by Section 1013.202 and revenue and other sources authorized by Section 1013.206.

Sec. 1013.210. USE OF BOND PROCEEDS. The district may use the proceeds of bonds issued under this subchapter to pay:

(1) any expense the board determines is reasonable and necessary to issue, sell, and deliver the bonds;

(2) interest payments on the bonds during a period of acquisition or construction of a project or facility to be provided through the bonds, not to exceed five years;

(3) costs related to the operation and maintenance of a project or facility to be provided through the bonds;

(A) during an estimated period of acquisition or construction, not to exceed five years; and

(B) for one year after the project or facility is acquired or constructed;

(4) costs related to the financing of the bond funds, including debt service reserve and contingency funds;

(5) costs related to the bond issuance;

(6) costs related to the acquisition of land or interests in land for a project or facility to be provided through the bonds; and

(7) costs of construction of a project or facility to be provided through the bonds, including the payment of related professional services and expenses.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2011.

HB 2947 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Coleman called up with senate amendments for consideration at this time,

HB 2947, A bill to be entitled An Act relating to the exception of an audit working paper of a hospital district from required disclosure under the public information law.

Representative Coleman moved to concur in the senate amendments to **HB 2947**.

The motion to concur in the senate amendments to **HB 2947** prevailed by (Record 1614): 139 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Castro; Chisum; 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; 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.; 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; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Perry; Phillips; Pitts; 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; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Burnam; Christian; Garza; Miles; Price.

Absent — King, T.; Peña; Pickett; Villarreal.

Senate Committee Substitute

CSHB 2947, A bill to be entitled An Act relating to the exception of an audit working paper of a hospital district from required disclosure under the public information law.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 552.116(a), Government Code, is amended to read as follows:

(a) An audit working paper of an audit of the state auditor or the auditor of a state agency, an institution of higher education as defined by Section 61.003, Education Code, a county, a municipality, a school district, a hospital district, or a joint board operating under Section 22.074, Transportation Code, including any audit relating to the criminal history background check of a public school employee, is excepted from the requirements of Section 552.021. If information in an audit working paper is also maintained in another record, that other record is not excepted from the requirements of Section 552.021 by this section.

SECTION 2. Section 552.116(b)(1), Government Code, is amended to read as follows:

(1) "Audit" means an audit authorized or required by a statute of this state or the United States, the charter or an ordinance of a municipality, an order of the commissioners court of a county, the bylaws adopted by or other action of the governing board of a hospital district, a resolution or other action of a board of trustees of a school district, including an audit by the district relating to the criminal history background check of a public school employee, or a resolution or other action of a joint board described by Subsection (a) and includes an investigation.

SECTION 3. The change in law made by this Act applies to an audit working paper created before, on, or after the effective date of this Act.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2011.

(Ritter in the chair)

**HB 3328 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

Representative Keffer called up with senate amendments for consideration at this time,

HB 3328, A bill to be entitled An Act relating to the disclosure of the composition of hydraulic fracturing fluids used in hydraulic fracturing treatments.

Representative Keffer moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 3328**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 3328**: Keffer, chair; Burnam, Parker, Crownover, and Strama.

**HB 2949 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Cook called up with senate amendments for consideration at this time,

HB 2949, A bill to be entitled An Act relating to the administration of the collection improvement program.

Representative Cook moved to concur in the senate amendments to **HB 2949**.

The motion to concur in the senate amendments to **HB 2949** prevailed by (Record 1615): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Castro; Chisum; 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; 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; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Riddle; 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; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Burnam; Christian; Garza; Miles; Price.

Absent — Keffer.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 2949** (senate committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Articles 103.0033(b), (c), (e), (f), (h), (i), and (j), Code of Criminal Procedure, are amended to read as follows:

(b) This article applies ~~only~~ to each⁺

~~(1) a~~ county in this state ~~[with a population of 50,000 or greater,]~~ and to each

~~(2) a~~ municipality with a population of 100,000 or greater.

(c) Unless granted a waiver under Subsection (h), each ~~county and~~ municipality shall develop and implement a program that complies with the prioritized implementation schedule under Subsection (h). A county may develop and implement a program that complies with the prioritized implementation schedule under Subsection (h). A county program must include district, county, and justice courts.

(e) Not later than June 1 of each year, the office shall identify those counties and municipalities that:

(1) have not implemented a program; and

(2) are planning ~~able~~ to implement a program before April 1 of the following year.

(f) The ~~comptroller, in cooperation with the~~ office[;] shall develop a methodology for determining the collection rate of counties and municipalities described by Subsection (e) before implementation of a program. The office ~~comptroller~~ shall determine the rate for each county and municipality not later than the first anniversary of the county's or municipality's adoption of a program.

(h) The office[;] ~~in consultation with the comptroller,~~ may:

(1) use case dispositions, population, revenue data, or other appropriate measures to develop a prioritized implementation schedule for programs; and

(2) for a municipality, determine whether it is not actually cost-effective to implement a program in the ~~[a county or]~~ municipality and grant a waiver to the ~~[county or]~~ municipality.

(i) Each county that implements a program and each municipality shall at least annually submit to the office ~~[and the comptroller]~~ a written report that includes updated information regarding the program, as determined by the office ~~[in cooperation with the comptroller]~~. The report must be in a form approved by the office ~~[in cooperation with the comptroller]~~.

(j) The office ~~[comptroller]~~ shall periodically audit ~~[counties and]~~ municipalities to verify information reported under Subsection (i) and confirm that the ~~[county or]~~ municipality is conforming with requirements relating to the program. ~~[The comptroller shall consult with the office in determining how frequently to conduct audits under this section.]~~

SECTION 2. Section 133.058(e), Local Government Code, is amended to read as follows:

(e) A municipality ~~[or county]~~ may not retain a service fee if, during an audit under ~~[Section 133.059 of this code or]~~ Article 103.0033(j), Code of Criminal Procedure, the Office of Court Administration of the Texas Judicial System ~~[comptroller]~~ determines that the municipality ~~[or county]~~ is not in compliance with Article 103.0033, Code of Criminal Procedure. The municipality ~~[or county]~~ may continue to retain a service fee under this section on receipt of a written confirmation from the office ~~[comptroller]~~ that the municipality ~~[or county]~~ is in compliance with Article 103.0033, Code of Criminal Procedure.

SECTION 3. Section 133.103(c-1), Local Government Code, is amended to read as follows:

(c-1) The treasurer shall send to the comptroller 100 percent of the fees collected under this section by a municipality ~~[to the comptroller]~~ if, during an audit under ~~[Section 133.059 of this code or]~~ Article 103.0033(j), Code of Criminal Procedure, the Office of Court Administration of the Texas Judicial System ~~[comptroller]~~ determines that the municipality ~~[or county]~~ is not in compliance with Article 103.0033, Code of Criminal Procedure. The municipality ~~[or county]~~ shall continue to dispose of fees as otherwise provided by this section on receipt of a written confirmation from the office ~~[comptroller]~~ that the municipality ~~[or county]~~ is in compliance with Article 103.0033, Code of Criminal Procedure.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2011.

Senate Amendment No. 2 (Senate Floor Amendment No. 2)

Amend **HB 2949** (senate committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Articles 103.0033(a), (b), (c), (d), (e), (f), (h), (i), and (j), Code of Criminal Procedure, are amended to read as follows:

(a) In this article:

(1) "Eligible case" means a criminal case in which the judgment has been entered by a trial court. The term does not include a criminal case in which a defendant has been placed on deferred disposition or has elected to take a driving safety course.

(2) "Office" means the Office of Court Administration of the Texas Judicial System.

(3) ~~(2)~~ "Program" means the program to improve the collection of court costs, fees, and fines imposed in criminal cases, as developed and implemented under this article.

(b) This article applies ~~only~~ to each ~~+~~ ~~(1) a~~ county in this state ~~[with a population of 50,000 or greater,]~~ and to each

~~(2) a~~ municipality with a population of 100,000 or greater.

(c) Unless granted a waiver under Subsection (h), each ~~county and~~ municipality shall develop and implement a program that complies with the prioritized implementation schedule under Subsection (h). A county may develop and implement a program that complies with the prioritized implementation schedule under Subsection (h). A county program must include district, county, and justice courts.

(d) The program must consist of:

(1) a component that conforms with a model developed by the office and designed to improve in-house collections for eligible cases through the application of best practices; and

(2) a component designed to improve the collection of balances for eligible cases more than 60 days past due, which may be implemented by entering into a contract with a private attorney or public or private vendor in accordance with Article 103.0031.

(e) Not later than June 1 of each year, the office shall identify those counties and municipalities that:

(1) have not implemented a program; and

(2) are planning ~~able~~ to implement a program before April 1 of the following year.

(f) The ~~comptroller, in cooperation with the~~ office~~;~~ shall develop a methodology for determining the collection rate of counties and municipalities described by Subsection (e) before implementation of a program. The office ~~comptroller~~ shall determine the rate for each county and municipality not later than the first anniversary of the county's or municipality's adoption of a program.

(h) The office~~, in consultation with the comptroller,~~ may:

(1) use case dispositions, population, revenue data, or other appropriate measures to develop a prioritized implementation schedule for programs; and

(2) for a municipality, determine whether it is not actually cost-effective to implement a program in the ~~a county or~~ municipality and grant a waiver to the ~~county or~~ municipality.

(i) Each county that implements a program and each municipality shall at least annually submit to the office [and the comptroller] a written report that includes updated information regarding the program, as determined by the office ~~[in cooperation with the comptroller]~~. The report must be in a form approved by the office ~~[in cooperation with the comptroller]~~.

(j) The office ~~[comptroller]~~ shall periodically audit ~~[counties and]~~ municipalities to verify information reported under Subsection (i) and confirm that the ~~[county or]~~ municipality is conforming with requirements relating to the program. ~~[The comptroller shall consult with the office in determining how frequently to conduct audits under this section.]~~

SECTION 2. Section 133.058(e), Local Government Code, is amended to read as follows:

(e) A municipality ~~[or county]~~ may not retain a service fee if, during an audit under ~~[Section 133.059 of this code or]~~ Article 103.0033(j), Code of Criminal Procedure, the Office of Court Administration of the Texas Judicial System ~~[comptroller]~~ determines that the municipality ~~[or county]~~ is not in compliance with Article 103.0033, Code of Criminal Procedure, and if the municipality is unable to reestablish compliance on or before the 180th day after the date the municipality receives written notice of noncompliance from the office. After any period in which the municipality becomes unable to retain a service fee under this subsection, the [The] municipality [or county] may begin once more [continue] to retain the [a service] fee only [under this section] on receipt of a written confirmation from the office [comptroller] that the municipality [or county] is in compliance with Article 103.0033, Code of Criminal Procedure.

SECTION 3. Section 133.103(c-1), Local Government Code, is amended to read as follows:

(c-1) The treasurer shall send to the comptroller 100 percent of the fees collected under this section by a municipality ~~[to the comptroller]~~ if, during an audit under ~~[Section 133.059 of this code or]~~ Article 103.0033(j), Code of Criminal Procedure, the Office of Court Administration of the Texas Judicial System ~~[comptroller]~~ determines that the municipality ~~[or county]~~ is not in compliance with Article 103.0033, Code of Criminal Procedure, and if the municipality is unable to reestablish compliance on or before the 180th day after the date the municipality receives written notice of noncompliance from the office. After any period in which the treasurer is required under this subsection to send 100 percent of the fees collected under this section to the comptroller, the [The] municipality [or county] shall begin once more [continue] to dispose of fees as otherwise provided by this section on receipt of a written confirmation from the office [comptroller] that the municipality [or county] is in compliance with Article 103.0033, Code of Criminal Procedure.

SECTION 4. Section 706.005(a), Transportation Code, is amended to read as follows:

(a) A political subdivision shall immediately notify the department that there is no cause to continue to deny renewal of a person's driver's license based on the person's previous failure to appear or failure to pay or satisfy a judgment

ordering the payment of a fine and cost in the manner ordered by the court in a matter involving an offense described by Section 706.002(a), on payment of a fee as provided by Section 706.006 and:

- (1) the perfection of an appeal of the case for which the warrant of arrest was issued or judgment arose;
- (2) the dismissal of the charge for which the warrant of arrest was issued or judgment arose;
- (3) the posting of bond or the giving of other security to reinstate the charge for which the warrant was issued;
- (4) the payment or discharge of the fine and cost owed on an outstanding judgment of the court; or
- (5) other suitable arrangement to pay the fine and cost within the court's discretion.

SECTION 5. The change in law made by this Act in amending Sections 133.058(e) and 133.103(c-1), Local Government Code, applies only to an audit commenced on or after the effective date of this Act. An audit commenced before the effective date of this Act is governed by the law in effect when the audit was commenced, and the former law is continued in effect for that purpose.

SECTION 6. The change in law made by this Act in amending Article 103.0033, Code of Criminal Procedure, applies only to a court cost, fee, or fine imposed in a criminal case on or after the effective date of this Act. A court cost, fee, or fine imposed in a criminal case before the effective date of this Act is governed by the law in effect on the date the cost, fee, or fine was imposed, and the former law is continued in effect for that purpose.

SECTION 7. This Act takes effect September 1, 2011.

HB 2516 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Alvarado called up with senate amendments for consideration at this time,

HB 2516, A bill to be entitled An Act relating to the appeal of an indefinite suspension of a municipal firefighter or police officer.

Representative Alvarado moved to concur in the senate amendments to **HB 2516**.

The motion to concur in the senate amendments to **HB 2516** prevailed by (Record 1616): 130 Yeas, 9 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Brown; Button; Callegari; Carter; Castro; Chisum; 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; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Howard, D.; Huberty; Hunter; Isaac; Jackson; Johnson; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst;

Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Riddle; Rodriguez; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Workman; Zerwas.

Nays — Branch; Cain; Howard, C.; Hughes; Lewis; Perry; Taylor, V.; White; Zedler.

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

Absent, Excused — Burnam; Christian; Garza; Miles; Price.

Absent — Burkett; Hopson; Keffer; Schwertner.

Senate Committee Substitute

CSHB 2516, A bill to be entitled An Act relating to the appeal of an indefinite suspension of a municipal firefighter.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 143.120, Local Government Code, is amended by adding Subsection (c-1) to read as follows:

(c-1) A temporary suspension of a firefighter under Subsection (c)(2) may not exceed 90 calendar days.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2011.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business:

Gonzalez on motion of Mallory Caraway.

HCR 84 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Cain called up with senate amendments for consideration at this time,

HCR 84, A concurrent resolution designating 42 as the official State Domino Game of Texas.

Representative Cain moved to concur in the senate amendments to **HCR 84**.

The motion to concur in the senate amendments to **HCR 84** prevailed by (Record 1617): 130 Yeas, 6 Nays, 3 Present, not voting.

Yeas — Aliseda; Allen; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Coleman; Cook; Craddick; Creighton; Crownover;

Darby; Davis, Y.; Driver; Dukes; Dutton; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gooden; Guillen; Gutierrez; Hancock; Hardcastle; 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; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Riddle; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Castro; Deshotel; Hamilton; Harless; Nash; Villarreal.

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

Absent, Excused — Burnam; Christian; Garza; Gonzalez; Miles; Price.

Absent — Alonzo; Davis, J.; Eiland; Eissler; Keffer.

STATEMENT OF VOTE

I was shown voting no on Record No. 1617. I intended to vote yes.

Nash

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HCR 84** (senate committee printing page 1, line 40) by striking "Table" and substituting "Domino".

HB 2810 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative S. Miller called up with senate amendments for consideration at this time,

HB 2810, A bill to be entitled An Act relating to an exemption from the sales and use tax for tangible personal property incorporated into or attached to certain agricultural structures.

Representative S. Miller moved to concur in the senate amendments to **HB 2810**.

The motion to concur in the senate amendments to **HB 2810** prevailed by (Record 1618): 137 Yeas, 5 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; 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; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gooden; Guillen; Gutierrez;

Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; 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; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Riddle; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Castro; Hernandez Luna; Lucio; Marquez; Vo.

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

Absent, Excused — Burnam; Christian; Garza; Gonzalez; Miles; Price.

Senate Committee Substitute

CSHB 2810, A bill to be entitled An Act relating to an exemption from the sales and use tax for tangible personal property incorporated into or attached to certain agricultural structures.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 151.316(a), Tax Code, as amended by Chapters 1162 (**HB 3144**) and 1373 (**SB 958**), Acts of the 81st Legislature, Regular Session, 2009, is reenacted and amended to read as follows:

(a) The following items are exempted from the taxes imposed by this chapter:

- (1) horses, mules, and work animals;
- (2) animal life the products of which ordinarily constitute food for human consumption;
- (3) feed for farm and ranch animals;
- (4) feed for animals that are held for sale in the regular course of business;
- (5) seeds and annual plants the products of which:
 - (A) ordinarily constitute food for human consumption;
 - (B) are to be sold in the regular course of business; or
 - (C) are used to produce feed for animals exempted by this section;
- (6) fertilizers, fungicides, insecticides, herbicides, defoliants, and desiccants exclusively used or employed on a farm or ranch in the production of:
 - (A) food for human consumption;
 - (B) feed for animal life; or
 - (C) other agricultural products to be sold in the regular course of business;
- (7) machinery and equipment exclusively used or employed on a farm or ranch in the building or maintaining of roads or water facilities or in the production of:
 - (A) food for human consumption;

- (B) grass;
- (C) feed for animal life; or
- (D) other agricultural products to be sold in the regular course of

business;

(8) machinery and equipment exclusively used in, and pollution control equipment required as a result of, the processing, packing, or marketing of agricultural products by an original producer at a location operated by the original producer for processing, packing, or marketing the producer's own products if:

(A) 50 percent or more of the products processed, packed, or marketed at or from the location are produced by the original producer and not purchased or acquired from others; and

(B) the producer does not process, pack, or market for consideration any agricultural products that belong to other persons in an amount greater than five percent of the total agricultural products processed, packed, or marketed by the producer;

(9) ice exclusively used by commercial fishing boats in the storing of aquatic species including but not limited to shrimp, other crustaceans, finfish, mollusks, and other similar creatures;

(10) tangible personal property, including a tire, sold or used to be installed as a component part of a motor vehicle, machinery, or other equipment exclusively used or employed on a farm or ranch in the building or maintaining of roads or water facilities or in the production of:

(A) food for human consumption;

(B) grass;

(C) feed for animal life; or

(D) other agricultural products to be sold in the regular course of

business;

(11) machinery and equipment exclusively used in an agricultural aircraft operation, as defined by 14 C.F.R. Section 137.3; ~~and~~

(12) tangible personal property incorporated into a structure that is used for the disposal of poultry carcasses in accordance with Section 26.303, Water Code; and

(13) tangible personal property incorporated into or attached to a structure that is located on a commercial dairy farm, is used or employed exclusively for the production of milk, and is:

(A) a free-stall dairy barn; or

(B) a dairy structure used solely for maternity purposes.

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. To the extent of any conflict, this Act prevails over another Act of the 82nd Legislature, Regular Session, 2011, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 4. This Act takes effect September 1, 2011.

HB 9 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

Representative Branch called up with senate amendments for consideration at this time,

HB 9, A bill to be entitled An Act relating to student success-based funding for and reporting regarding public institutions of higher education.

HB 9 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE GALLEGRO: Mr. Branch, I am concerned, with respect to the item you just talked about, which I would consider the more nontraditional students. For institutions like the Lamar University components, or Sul Ross, or some of the smaller institutions that have a single mother with kids, who is working and trying to provide for her family and at the same time going to school. I'm still concerned that this legislation punishes those people who are taking longer, because they are struggling to get by. The person may be in their 30s, or late 20s, or older frankly, who's trying to go back to school and get a degree to try and improve their life, but still has to maintain, essentially, school and the other—are you—is that not a concern?

REPRESENTATIVE BRANCH: Well, it's something we've been working on since about 2007 when President Natalicio at UTEP, I think, pointed out to many of us that a lot of folks were using these graduation rates, which were based on a NCAA criterion, and really what we should be focusing on more is graduations, because in many cases—in her illustration she had a train where people would get on and off, but they take longer. And so, this bill does, in fact, focus on graduations.

GALLEGO: It doesn't punish universities, or work to the disadvantage of universities where students are taking longer, because they are working, and they are essentially going to school part-time and balancing it. It doesn't reformulate, and the fund distribution will not punish those universities.

BRANCH: No, in fact, under this program, when it was considered the PIF—I guess, the incentive funding, the performance incentive funding pool—I think UTEP, which has a lot of at risk students, benefited. It was one of the universities that got the most out of that, because they were getting graduations, and they were getting extra for at-risk graduations. And the other part as I mentioned was the high-need graduations. The notion there is if we need certain occupations, and these can evolve over time then we want to incentivize, for example, nursing that Representative Howard and I just had the discussion about.

GALLEGO: So, Sul Ross State University, and its campuses, the Lamar University, and its campuses, they will not be disadvantaged under this proposal?

BRANCH: I think they will be advantaged, actually.

REMARKS ORDERED PRINTED

Representative Gallego moved to print remarks between Representative Branch and Representative Gallego.

The motion prevailed.

Representative Branch moved to concur in the senate amendments to **HB 9**.

The motion to concur in the senate amendments to **HB 9** prevailed by (Record 1619): 127 Yeas, 14 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Castro; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Geren; Gonzales, V.; Gooden; 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 Fischer; McClendon; Menendez; Miller, D.; Miller, S.; Morrison; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Perry; Phillips; Pickett; Pitts; Quintanilla; Raymond; Riddle; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Truitt; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Alvarado; Chisum; Coleman; Gallego; Giddings; Gonzales, L.; Guillen; Martinez; Muñoz; Peña; Reynolds; Thompson; Turner; Veasey.

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

Absent, Excused — Burnam; Christian; Garza; Gonzalez; Miles; Price.

Absent — Torres.

STATEMENT OF VOTE

I was shown voting no on Record No. 1619. I intended to vote yes.

L. Gonzales

Senate Committee Substitute

CSHB 9, A bill to be entitled An Act relating to student success-based funding for and reporting regarding public institutions of higher education.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. This Act shall be known as the Higher Education Outcomes-Based Funding Act.

SECTION 2. Section 61.059, Education Code, is amended by amending Subsections (a) and (c) and adding Subsection (b-1) to read as follows:

(a) To finance a system of higher education and to secure an equitable distribution of state funds deemed to be available for higher education, the board shall perform the functions described in this section. Funding policies shall:

(1) allocate resources efficiently and provide incentives for programs of superior quality and for institutional diversity;

(2) provide incentives for supporting the five-year master plan developed and revised under Section 61.051; ~~and~~

(3) discourage unnecessary duplication of course offerings between institutions and unnecessary construction on any campus; and

(4) emphasize an alignment with education goals established by the board.

(b-1) A committee under Subsection (b) must be composed of representatives of a cross-section of institutions representing each of the institutional groupings under the board's accountability system. The commissioner of higher education shall solicit recommendations for the committee's membership from the chancellor of each university system and from the president of each institution of higher education that is not a component of a university system. The chancellor of a university system shall recommend to the commissioner at least one institutional representative for each institutional grouping to which a component of the university system is assigned. The president of an institution of higher education that is not a component of a university system shall recommend to the commissioner at least one institutional representative for the institutional grouping to which the institution is assigned.

(c) Formulas for funding shall:

(1) reflect the role and mission of each institution;

(2) ~~shall~~ emphasize funding elements that directly support faculty;

(3) ~~and shall~~ reflect both fixed and variable elements of cost; and

(4) incorporate, as the board considers appropriate, goals identified in the board's long-range statewide plan developed under Section 61.051.

SECTION 3. Subchapter C, Chapter 61, Education Code, is amended by adding Section 61.0593 to read as follows:

Sec. 61.0593. STUDENT SUCCESS-BASED FUNDING RECOMMENDATIONS. (a) The legislature finds that it is in the state's highest public interest to evaluate student achievement at institutions of higher education and to develop higher education funding policy based on that evaluation. Funding policies that promote postsecondary educational success based on objective indicators of relative performance, such as degree completion rates, are critical to maintaining the state's competitiveness in the national and global economy and supporting the general welfare of this state. Therefore, the purpose of this section is to ensure that institutions of higher education produce student outcomes that are directly aligned with the state's education goals and economic development needs.

(b) In this section:

(1) "At-risk student" means an undergraduate student of an institution of higher education:

(A) who has been awarded a grant under the federal Pell Grant program; or

(B) who, on the date the student initially enrolled in the institution:

(i) was 20 years of age or older;

(ii) had a score on the Scholastic Assessment Test (SAT) or the American College Test (ACT) that was less than the national mean score for students taking that test;

(iii) was enrolled as a part-time student; or

(iv) had not received a high school diploma but had received a high school equivalency certificate within the last six years.

(2) "Critical field" means a field of study designated as a critical field under Subsection (c).

(c) Except as otherwise provided under 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 board, based on the 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.

(d) This subsection applies only to a general academic teaching institution other than a public state college. In devising its funding formulas and making its recommendations to the legislature relating to institutional appropriations of funds under Section 61.059 and Subchapter D, Chapter 62, for institutions to which this subsection applies, the board, in the manner and to the extent the board considers appropriate and in consultation with those institutions, shall incorporate the consideration of undergraduate student success measures achieved during the preceding state fiscal biennium by each of the institutions. The success measures considered by the board under this subsection may include:

(1) the total number of bachelor's degrees awarded by the institution;

(2) the total number of bachelor's degrees in critical fields awarded by the institution;

(3) the total number of bachelor's degrees awarded by the institution to at-risk students; and

(4) as determined by the board, the six-year graduation rate of undergraduate students of the institution who initially enrolled in the institution in the fall semester immediately following their graduation from a public high school in this state as compared to the six-year graduation rate predicted for those students based on the composition of the institution's student body.

(e) Notwithstanding Subsection (d):

(1) not more than 10 percent of the total amount of general revenue appropriations of base funds for undergraduate education recommended by the board for all institutions to which Subsection (d) applies for a state fiscal biennium may be based on student success measures; and

(2) the board's recommendation for base funding for undergraduate education based on student success measures does not reduce or otherwise affect funding recommendations for graduate education.

(f) This subsection applies only to public junior colleges, public state colleges, and public technical institutes. In devising its funding formulas and making its recommendations to the legislature relating to institutional appropriations of incentive funds for institutions to which this subsection applies, the board, in the manner and to the extent the board considers appropriate and in consultation with those institutions, shall incorporate the consideration of the undergraduate student success measures achieved during the preceding state fiscal biennium by each of the institutions. The success measures considered by the board under this subsection may include:

(1) the following academic progress measures achieved by students at the institution:

(A) successful completion of:

(i) developmental education in mathematics;

(ii) developmental education in English;

(iii) the first college-level mathematics course with a grade of

"C" or higher;

(iv) the first college-level English course with a grade of "C"

or higher; and

(v) the first 30 semester credit hours at the institution; and

(B) transfer to a four-year college or university after successful completion of at least 15 semester credit hours at the institution; and

(2) the total number of the following awarded by the institution:

(A) associate's degrees;

(B) bachelor's degrees under Section 130.0012; and

(C) certificates identified by the board for purposes of this section as effective measures of student success.

(g) Biennially, the board, in consultation with institutions to which Subsections (d) and (f) apply, shall review the student success measures considered by the board under those subsections.

(h) The board shall include in its findings and recommendations to the legislature under Section 61.059:

(1) an evaluation of the effectiveness of the student success measures described by this section in achieving the purpose of this section during the preceding state fiscal biennium; and

(2) any related recommendations the board considers appropriate.

(i) The board shall adopt rules for the administration of this section, including rules requiring each institution of higher education to submit to the board any student data or other information the board considers necessary for the board to carry out its duties under this section.

SECTION 4. Subchapter C, Chapter 61, Education Code, is amended by adding Section 61.0905 to read as follows:

Sec. 61.0905. REPORTS TO JOINT OVERSIGHT COMMITTEE. (a) Not later than September 30, 2011, and subsequently not later than July 1, 2012, the board shall submit to the Joint Oversight Committee on Higher Education Governance, Excellence, and Transparency a written report reviewing, comparing, and highlighting national and global best practices on:

(1) improving student outcomes, including student retention, graduations, and graduation rates; and

(2) higher education governance, administration, and transparency.

(b) This section expires August 31, 2013.

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2011.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **CSHB 9** (senate committee printing) in SECTION 3 of the bill, in added Section 61.0593(d), Education Code, by striking page 2, lines 41 through 52, and substituting the following:

(d) This subsection applies only to a general academic teaching institution other than a public state college. In devising its funding formulas and making its recommendations to the legislature relating to institutional appropriations of funds under Section 61.059 for institutions to which this subsection applies, the board, in the manner and to the extent the board considers appropriate and in consultation with those institutions, shall incorporate the consideration of undergraduate student success measures achieved during the preceding state fiscal biennium by each of the institutions. At the time the board makes those recommendations, the board shall also make recommendations for incorporating the success measures, to the extent the board considers appropriate in consultation with those institutions, into the distribution of any incentive funds available for those institutions, including performance incentive funds under Subchapter D, Chapter 62. The board's recommendations must provide alternative approaches for applying the success measures and must compare the effects on funding of applying the success measures within the formula for base funding to applying the success measures as a separate formula. The success measures considered by the board under this subsection may include:

HB 3708 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Hochberg called up with senate amendments for consideration at this time,

HB 3708, A bill to be entitled An Act relating to the Early High School Graduation Scholarship program and to the funding of certain exemptions from tuition and fees at public institutions of higher education from savings attributable to the program.

Representative Hochberg moved to concur in the senate amendments to **HB 3708**.

The motion to concur in the senate amendments to **HB 3708** prevailed by (Record 1620): 129 Yeas, 12 Nays, 2 Present, not voting.

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

Nays — Anderson, C.; Anderson, R.; Cain; Hughes; Laubenberg; Lavender; Paxton; Perry; Phillips; Sheets; Taylor, V.; Zedler.

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

Absent, Excused — Burnam; Christian; Garza; Gonzalez; Miles; Price.

Absent — Elkins.

STATEMENT OF VOTE

I was shown voting yes on Record No. 1620. I intended to vote no.

Flynn

Senate Committee Substitute

CSHB 3708, A bill to be entitled An Act relating to the Early High School Graduation Scholarship program and to the funding of certain exemptions from tuition and fees at public institutions of higher education from savings attributable to the program.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 54.213(b), Education Code, is amended to read as follows:

(b) ~~[Savings to the foundation school fund that occur as a result of the Early High School Graduation Scholarship program created in Subchapter K, Chapter 56, and that are not required for the funding of state credits for tuition and mandatory fees under Section 56.204 or school district credits under Section 56.2075 shall be used first to provide tuition exemptions under Section 54.212.~~

~~Any of those savings remaining after providing tuition exemptions under Section 54.212 shall be used to provide tuition exemptions under Section 54.214.] The Texas Education Agency shall ~~also~~ accept and make available to provide tuition exemptions under Section 54.214 gifts, grants, and donations made to the agency for that purpose. The commissioner of education shall transfer those funds to the Texas Higher Education Coordinating Board to distribute to institutions of higher education that provide exemptions under that section. [Payment of funds under this subsection shall be made in the manner provided by Section 56.207 for state credits under Subchapter K, Chapter 56.]~~

SECTION 2. Section 56.204(a), Education Code, is amended to read as follows:

(a) In a total amount not to exceed the amount of funds appropriated for the current state fiscal year to pay for [An eligible person under the Early High School Graduation Scholarship program is entitled to] a state credit to apply toward tuition or tuition and mandatory fees, as applicable, at a public or private institution of higher education in this state, the commissioner of education shall award to eligible persons credits in the following amounts:

(1) \$2,000 to apply toward tuition and mandatory fees if the person successfully completed the recommended or advanced high school program established under Section 28.025 and graduated from high school on or after September 1, 2005, in 36 consecutive months or less and an additional \$1,000 to apply toward tuition and mandatory fees if the person graduated with at least 15 hours of college credit;

(2) \$500 to apply toward tuition and mandatory fees if the person successfully completed the recommended or advanced high school program established under Section 28.025 and graduated from high school on or after September 1, 2005, in more than 36 consecutive months but not more than 41 consecutive months and an additional \$1,000 to apply toward tuition and mandatory fees if the person graduated with at least 30 hours of college credit;

(3) \$1,000 to apply toward tuition and mandatory fees if the person successfully completed the recommended or advanced high school program established under Section 28.025 and graduated from high school on or after September 1, 2005, in more than 41 consecutive months but not more than 45 consecutive months with at least 30 hours of college credit; or

(4) \$1,000 to apply only toward tuition if the person graduated before September 1, 2005, after successfully completing the requirements for a high school diploma in not more than 36 consecutive months.

SECTION 3. Section 56.207(b), Education Code, is amended to read as follows:

(b) On receipt of a report from the coordinating board under Subsection (a), the commissioner of education shall transfer to the coordinating board, from funds appropriated for the purpose of the Early High ~~[Foundation]~~ Program School Graduation Scholarship program ~~[Program]~~, an amount commensurate with the amount of funds appropriated ~~[sufficient]~~ to pay each eligible institution of higher

education the amount of state credit for tuition or tuition and mandatory fees, as applicable, that is applied by the institution during the period covered by the report.

SECTION 4. Sections 56.202(b) and 56.208, Education Code, are repealed.

SECTION 5. As soon as practicable after this Act takes effect, the Texas Higher Education Coordinating Board shall revise rules adopted under Section 56.209(a), Education Code, as necessary to conform to changes made by this Act to Subchapter K, Chapter 56, Education Code. For that purpose, the coordinating board may adopt the revisions to those rules in the manner provided by law for emergency rules. This section expires September 1, 2012.

SECTION 6. The changes in law made by this Act apply beginning with the 2011-2012 academic year, but do not affect any state credit awarded under Subchapter K, Chapter 56, Education Code, before the effective date of this Act.

SECTION 7. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2011.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **CSHB 3708** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____ . Chapter 29, Education Code, is amended by adding Subchapter K to read as follows:

SUBCHAPTER K. PUBLIC JUNIOR COLLEGE AND SCHOOL DISTRICT
PARTNERSHIP PROGRAM TO PROVIDE DROPOUT RECOVERY

Sec. 29.401. APPLICABILITY. (a) This subchapter applies only to a public junior college, as defined by Section 61.003, located in a county:

(1) with a population of 750,000 or more; and

(2) with less than 65 percent of the population 25 years and older having graduated from high school, according to the most recent American Community Survey five-year estimates compiled by the United States Census Bureau.

(b) The application of this subchapter to a public junior college is not affected if, after the public junior college enters into a partnership and begins providing a dropout recovery program as provided by this subchapter, the county's demographics under Subsection (a)(2) change and the county no longer meets the requirements under Subsection (a)(2).

(c) This subchapter applies only to a school district with a dropout rate that is higher than 15 percent based on four-year high school completion rates. The application of this subchapter to a district is not affected if, after the district enters into a partnership as provided by this subchapter, the district's dropout rate changes and the district no longer meets the requirements under this subsection.

(d) This section expires September 1, 2013.

Sec. 29.402. PARTNERSHIP. (a) Beginning September 1, 2012, a public junior college may enter into an articulation agreement to partner with one or more school districts located in the public junior college district to provide on the

campus of the public junior college a dropout recovery program for students described by Subsection (b) to successfully complete and receive a diploma from a high school of the appropriate partnering school district.

(b) A person who is under 26 years of age is eligible to enroll in a dropout recovery program under this subchapter if the person:

(1) must complete not more than three course credits to complete the curriculum requirements for the minimum, recommended, or advanced high school program, as appropriate, for high school graduation; or

(2) has failed to perform satisfactorily on an end-of-course assessment instrument administered under Section 39.023(c) or an assessment instrument administered under Section 39.023(c) as that section existed before amendment by Chapter 1312 (SB 1031), Acts of the 80th Legislature, Regular Session, 2007.

(c) A public junior college under this section shall:

(1) design a dropout recovery curriculum that includes career and technology education courses that lead to industry or career certification;

(2) integrate into the dropout recovery curriculum research-based strategies to assist students in becoming able academically to pursue postsecondary education, including:

(A) high quality, college readiness instruction with strong academic and social supports;

(B) secondary to postsecondary bridging that builds college readiness skills, provides a plan for college completion, and ensures transition counseling; and

(C) information concerning appropriate supports available in the first year of postsecondary enrollment to ensure postsecondary persistence and success, to the extent funds are available for the purpose;

(3) offer advanced academic and transition opportunities, including dual credit courses and college preparatory courses, such as advanced placement courses; and

(4) coordinate with each partnering school district to provide in the articulation agreement that the district retains accountability for student attendance, student completion of high school course requirements, and student performance on assessment instruments as necessary for the student to receive a diploma from a high school of the partnering school district.

(d) A dropout recovery program provided under this subchapter must comply with the requirements of Sections 29.081(e) and (f).

Sec. 29.403. FINANCING. (a) A public junior college district may receive from each partnering school district for each student from that district enrolled in a dropout recovery program under this subchapter an amount negotiated between the junior college district and that partnering district not to exceed the total average per student funding amount in that district during the preceding school year for maintenance and operations, including state and local funding, but excluding money from the available school fund.

(b) A student who is enrolled in a program under this subchapter is included in determining the average daily attendance under Section 42.005 of the partnering school district.

Sec. 29.404. OTHER FUNDING. (a) To the extent consistent with the General Appropriations Act, a public junior college under this subchapter is eligible to receive dropout prevention and intervention program funds appropriated to the agency.

(b) A public junior college under this subchapter may receive gifts, grants, and donations to use for the purposes of this subchapter.

Senate Amendment No. 2 (Senate Floor Amendment No. 2)

Amend **CSHB 3708** by adding an appropriately numbered SECTION of the bill to read as follows and renumbering the existing SECTIONS of the bill accordingly:

SECTION ____ Chapter 54, Education Code, is amended by adding Subchapter I to read as follows:

SUBCHAPTER I. TEXAS SAVE AND MATCH PROGRAM

Sec. 54.801. DEFINITIONS. In this subchapter:

(1) "Accredited out-of-state institution of higher education," "career school," "general academic teaching institution," "private or independent institution of higher education," and "two-year institution of higher education" have the meanings assigned by Section 54.751.

(2) "Beneficiary" means a beneficiary on whose behalf a purchaser enters into a prepaid tuition contract with the board under Subchapter H or for whom a savings trust account is opened under Subchapter G.

(3) "Board" means the Prepaid Higher Education Tuition Board.

(4) "Fund" means the Texas save and match trust fund established under Section 54.808.

(5) "Program" means the Texas Save and Match Program established under this subchapter.

(6) "Program entity" means the Texas Match the Promise Foundation, a Texas nonprofit corporation, or any other tax-exempt charitable organization established by law to implement the program.

Sec. 54.802. TEXAS SAVE AND MATCH PROGRAM. (a) The board, in cooperation with the program entity, shall administer the Texas Save and Match Program, under which money contributed to a savings trust account by an account owner under a higher education savings plan established under Subchapter G or paid by a purchaser under a prepaid tuition contract under Subchapter H on behalf of an eligible beneficiary may be matched with:

(1) contributions made by any person to the program entity for use in making additional savings trust account contributions under Subchapter G or in purchasing additional tuition units under prepaid tuition contracts under Subchapter H; or

(2) money appropriated by the legislature for the program to be used by the board to make additional savings trust account contributions under Subchapter G or to purchase additional tuition units under Subchapter H.

(b) In addition to the board's powers assigned under Subchapters F, G, and H, the board has the powers necessary or proper to carry out its duties under this subchapter, including the power to:

(1) sue and be sued;

- (2) enter into contracts and other necessary instruments;
- (3) enter into agreements or other transactions with the United States, state agencies, general academic teaching institutions, two-year institutions of higher education, and local governments;
- (4) appear on its own behalf before governmental agencies;
- (5) contract for necessary goods and services, including specifying in the contract duties to be performed by the provider of a good or service that are a part of or are in addition to the person's primary duties under the contract;
- (6) engage the services of private consultants, actuaries, trustees, records administrators, managers, legal counsel, and auditors for administrative or technical assistance;
- (7) solicit and accept gifts, grants, donations, loans, and other aid from any source or participate in any other manner in any government program to carry out this subchapter;
- (8) impose administrative fees;
- (9) contract with a person to market the program;
- (10) purchase liability insurance covering the board and employees and agents of the board; and
- (11) establish other policies, procedures, and eligibility criteria to implement this subchapter.

(c) Notwithstanding other law, for purposes of Subchapter I, Chapter 659, Government Code:

(1) the program entity is considered an eligible charitable organization entitled to participate in a state employee charitable campaign under Subchapter I, Chapter 659, Government Code; and

(2) a state employee is entitled to authorize a payroll deduction for contributions to the program entity as a charitable contribution under Section 659.132, Government Code.

Sec. 54.803. INITIAL ELIGIBILITY FOR PARTICIPATION IN PROGRAM. (a) To be initially eligible to participate in the program, a beneficiary, at the time a prepaid tuition contract is entered into on the beneficiary's behalf under Subchapter H or a savings trust account is opened on the beneficiary's behalf under Subchapter G, as applicable, must be:

- (1) a resident of this state; or
- (2) a dependent for purposes of Section 152, Internal Revenue Code of 1986, of a resident of this state.

(b) To be initially eligible to receive matching funds described by Section 54.802(a)(2) under the program, a beneficiary, at the time a prepaid tuition contract is entered into on the beneficiary's behalf under Subchapter H, or a savings trust account is opened on the beneficiary's behalf under Subchapter G, as applicable, must be eligible for free meals under the national free or reduced-price breakfast and lunch program.

Sec. 54.804. LIMITATIONS. A matching account established by the board or program entity on behalf of a beneficiary under this subchapter is forfeited and reverts to the board or program entity on the occurrence of any of the following:

(1) the 10th anniversary of the date the beneficiary is projected to graduate from high school, as indicated by the purchaser in the enrollment contract, except that time spent by the beneficiary as an active duty member of the United States armed services tolls the period described by this subdivision;

(2) a change of beneficiary by the account owner or purchaser of the matched account;

(3) a contract cancellation of the matched account and refund request;

(4) the successful completion by the beneficiary of an associate or bachelor's degree program;

(5) transfer of the matched account to another qualified tuition program of any state that meets the requirements of Section 529, Internal Revenue Code of 1986; or

(6) any other event the board or program entity determines would be inconsistent with the program's purposes.

Sec. 54.805. MATCHING ACCOUNT ADMINISTRATION. (a) A matching account established by the board or program entity on behalf of a beneficiary under this subchapter must be accounted for separately from the beneficiary's prepaid tuition contract balance or savings trust account balance.

(b) To the extent possible, money or tuition units in a beneficiary's matching account shall be used or redeemed after money is used from the beneficiary's savings trust account under Subchapter G or tuition units are redeemed from the prepaid tuition contract for the beneficiary under Subchapter H.

(c) To the extent possible, the board shall include information about a matching account in the periodic statement provided to applicable account owners and purchasers under Subchapters G and H.

Sec. 54.806. CONFIDENTIALITY. (a) Records in the custody of the board or program entity relating to the participation of specific purchasers, beneficiaries, applicants, scholarship recipients, or donors under the program are confidential.

(b) Notwithstanding Subsection (a), the board or program entity may release information described by Subsection (a) to the extent required by a general academic teaching institution, two-year institution of higher education, private or independent institution of higher education, career school, or accredited out-of-state institution of higher education at which a beneficiary may enroll or is enrolled. The institution or school receiving information described by Subsection (a) shall keep the information confidential.

(c) Notwithstanding any other provision of this subchapter, the board or program entity may release information to the Internal Revenue Service or to any state tax agency as required by applicable tax law.

(d) Notwithstanding any other provision of this subchapter, the board or program entity may release information relating to donors who authorize release of that information.

Sec. 54.807. PILOT PROJECTS UNDER PROGRAM. To fulfill the intent of the program, the board may use funds described by Section 54.802(a)(2) to establish pilot projects under the program in an effort to incentivize participation

in the higher education savings program under Subchapter G and the prepaid tuition unit undergraduate education program under Subchapter H, including projects that incentivize participation by:

- (1) awarding additional matching grants based on a beneficiary's achievement of specified academic goals;
- (2) providing initial matching grants and paying application fees;
- (3) providing incentives for employers to contribute matching funds to the program; and
- (4) creating a program information portal designed to increase program awareness and accessibility among school districts, parents, and students.

Sec. 54.808. TEXAS SAVE AND MATCH TRUST FUND; AGREEMENTS BETWEEN BOARD AND PROGRAM ENTITY REGARDING PROGRAM ENTITY FUNDS. (a) The Texas save and match trust fund is established as a trust fund to be held with the comptroller.

(b) Money in the fund may be spent without appropriation and only to establish matching accounts, make deposits, purchase tuition units, and award matching grants and scholarships under the program and to pay the costs of program administration and operations.

(c) The board may invest, reinvest, and direct the investment of any available money in the fund.

(d) Interest and income from the assets of the fund shall be credited to and deposited in the fund.

(e) The board and the program entity may enter into an agreement under which the board may hold and manage funds of the program entity and provide services to the program entity.

Sec. 54.809. RULES. The board shall adopt rules for the administration of this subchapter.

SECTION 2. Subchapter A, Chapter 56, Education Code, is amended by adding Section 56.007 to read as follows:

Sec. 56.007. EXCLUSION OF ASSETS IN PREPAID TUITION PROGRAMS AND HIGHER EDUCATION SAVINGS PLANS. Notwithstanding any other law, the right of a person to assets held in or the right to receive payments or benefits under any fund or plan established under Subchapter G, H, or I, Chapter 54, including an interest in a savings trust account, prepaid tuition account, or related matching account, may not be considered an asset of the person, or otherwise included in the person's household income or other financial resources, for purposes of determining the person's eligibility for a TEXAS grant or any other state-funded student financial assistance.

SECTION 3. Subchapter C, Chapter 62, Health and Safety Code, is amended by adding Section 62.1012 to read as follows:

Sec. 62.1012. EXCLUSION OF ASSETS IN PREPAID TUITION PROGRAMS AND HIGHER EDUCATION SAVINGS PLANS. For purposes of determining whether a child meets family income and resource requirements for eligibility for the child health plan, the commission may not consider as income or resources a right to assets held in or a right to receive payments or benefits under:

(1) any fund or plan established under Subchapter G, H, or I, Chapter 54, Education Code, including an interest in a savings trust account, prepaid tuition contract, or related matching account; or

(2) any qualified tuition program of any state that meets the requirements of Section 529, Internal Revenue Code of 1986.

SECTION 4. Subchapter A, Chapter 31, Human Resources Code, is amended by adding Section 31.0039 to read as follows:

Sec. 31.0039. EXCLUSION OF ASSETS IN PREPAID TUITION PROGRAMS AND HIGHER EDUCATION SAVINGS PLANS. For purposes of determining the amount of financial assistance granted to an individual under this chapter for the support of dependent children or determining whether the family meets household income and resource requirements for financial assistance under this chapter, the department may not consider the right to assets held in or the right to receive payments or benefits under:

(1) any fund or plan established under Subchapter G, H, or I, Chapter 54, Education Code, including an interest in a savings trust account, prepaid tuition contract, or related matching account; or

(2) any qualified tuition program of any state that meets the requirements of Section 529, Internal Revenue Code of 1986.

SECTION 5. Subchapter B, Chapter 32, Human Resources Code, is amended by adding Section 32.02611 to read as follows:

Sec. 32.02611. EXCLUSION OF ASSETS IN PREPAID TUITION PROGRAMS AND HIGHER EDUCATION SAVINGS PLANS. (a) Except as provided by Subsection (b), in determining eligibility and need for medical assistance, the department may not consider as assets or resources a right to assets held in or a right to receive payments or benefits under:

(1) any fund or plan established under Subchapter G, H, or I, Chapter 54, Education Code, including an interest in a savings trust account, prepaid tuition contract, or related matching account; or

(2) any qualified tuition program of any state that meets the requirements of Section 529, Internal Revenue Code of 1986.

(b) In determining eligibility and need for medical assistance for an applicant who may be eligible on the basis of the applicant's eligibility for medical assistance for the aged, blind, or disabled under 42 U.S.C. Section 1396a(a)(10), the department may consider as assets or resources a right to assets held in or a right to receive payments or benefits under any fund, plan, or tuition program described by Subsection (a).

(c) Notwithstanding Subsection (b), the department shall seek a federal waiver authorizing the department to exclude, for purposes of determining the eligibility of an applicant described by that subsection, the right to assets held in or a right to receive payments or benefits under any fund, plan, or tuition program described by Subsection (a) if the fund, plan, or tuition program was established before the 21st birthday of the beneficiary of the fund, plan, or tuition program.

SECTION 6. Section 54.7521, Education Code, is repealed.

SECTION 7. The Prepaid Higher Education Tuition Board shall adopt the initial rules required by Subchapter I, Chapter 54, Education Code, as added by this Act, not later than May 31, 2012.

SECTION 8. The Texas Save and Match Program established by this Act is an expansion of the Texas Save and Match program created under Section 54.7521, Education Code. On and after the effective date of the repeal of Section 54.7521, Education Code, by this Act, the tax-exempt charitable organization created under that section to provide matching funds under that program may continue to accept tax-deductible donations for the purpose of providing matching funds under the program established by this Act.

SECTION 9. Subchapter I, Chapter 54, Education Code, as added by this Act, applies to a prepaid tuition contract purchased for a beneficiary under Subchapter H, Chapter 54, Education Code, regardless of whether the prepaid tuition contract was purchased before, on, or after the effective date of this Act. Subchapter I, Chapter 54, Education Code, as added by this Act, applies only to a savings trust account opened for a beneficiary under Subchapter G, Chapter 54, Education Code, on or after January 1, 2012.

SECTION 10. If before implementing any provision of this Act 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 11. The changes in law made by this Act apply to a person who receives health benefits coverage under Chapter 62, Health and Safety Code, financial assistance under Chapter 31, Human Resources Code, or medical assistance under Chapter 32, Human Resources Code, on or after the effective date of this Act, regardless of the date on which eligibility for coverage or assistance was initially determined.

SECTION 12. (a) Except as provided by Subsection (b) of this section, this Act takes effect September 1, 2011.

(b) Section 6 of this Act takes effect January 1, 2012.

HB 2337 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Gallego called up with senate amendments for consideration at this time,

HB 2337, A bill to be entitled An Act relating to the admissibility of certain statements made by a child in a juvenile justice or criminal proceeding.

Representative Gallego moved to concur in the senate amendments to **HB 2337**.

The motion to concur in the senate amendments to **HB 2337** prevailed by (Record 1621): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Castro; Chisum; 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; Geren; Giddings; Gonzales, L.; Gonzales, V.; 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; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Riddle; 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; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Burnam; Christian; Garza; Gonzalez; Miles; Price.

Senate Committee Substitute

CSHB 2337, A bill to be entitled An Act relating to the admissibility of certain statements made by a child in a juvenile justice or criminal proceeding.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 51.095(b) and (c), Family Code, are amended to read as follows:

(b) This section and Section 51.09 do not preclude the admission of a statement made by the child if:

(1) the statement does not stem from interrogation of the child under a circumstance described by Subsection (d); or

(2) without regard to whether the statement stems from interrogation of the child under a circumstance described by Subsection (d), the statement is:

(A) voluntary and has a bearing on the credibility of the child as a witness; or

(B) recorded by an electronic recording device, including a device that records images, and is obtained:

(i) in another state in compliance with the laws of that state or this state; or

(ii) by a federal law enforcement officer in this state or another state in compliance with the laws of the United States.

(c) An electronic recording of a child's statement made under Subsection (a)(5) or (b)(2)(B) shall be preserved until all juvenile or criminal matters relating to any conduct referred to in the statement are final, including the exhaustion of all appeals, or barred from prosecution.

SECTION 2. The change in law made by this Act applies only to a statement relating to conduct violating a penal law that occurred on or after the effective date of this Act. A statement relating to conduct violating a penal law that occurred before the effective date of this Act is governed by the law in effect

at the time the conduct occurred, and the former law is continued in effect for that purpose. For purposes of this section, conduct violating a penal law occurred before the effective date of this Act if any element of the violation occurred before that date.

SECTION 3. This Act takes effect September 1, 2011.

**HB 3459 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

Representative Eiland called up with senate amendments for consideration at this time,

HB 3459, A bill to be entitled An Act relating to the containment of costs incurred in the correctional health care system.

Representative Eiland moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 3459**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 3459**: Eiland, chair; Dutton, Madden, Perry, and Turner.

**HB 1940 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

Representative Perry called up with senate amendments for consideration at this time,

HB 1940, A bill to be entitled An Act relating to the requirement of a preliminary hearing for certain persons released from the Texas Department of Criminal Justice who are alleged to have violated a condition of release.

Representative Perry moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 1940**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1940**: Perry, chair; Madden, Allen, Parker, and Cain.

**SB 100 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative V. Taylor, the house granted the request of the senate for the appointment of a Conference Committee on **SB 100**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 100**: V. Taylor, chair; Madden, Branch, Pickett, and L. Taylor.

**SB 293 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative J. Davis, the house granted the request of the senate for the appointment of a Conference Committee on **SB 293**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 293**: J. Davis, chair; Hopson, Menendez, Sheets, and Truitt.

**SB 8 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE INSTRUCTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Kolkhorst, the house granted the request of the senate for the appointment of a Conference Committee on **SB 8**.

Representative Chisum moved to instruct the Conference Committee on **SB 8** to retain the language in Amendment No. 3.

The motion to instruct conferees prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 8**: Kolkhorst, chair; Coleman, Geren, Hunter, and Schwertner.

HB 3577 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative L. Gonzales submitted the following conference committee report on **HB 3577**:

Austin, Texas, May 25, 2011

The Honorable David Dewhurst
President of the Senate

The Honorable Joe Straus
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 3577** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Carona
Duncan
Eltife
Watson
Zaffirini
On the part of the senate

L. Gonzales
Schwertner
Strama
Workman
Scott
On the part of the house

HB 3577, A bill to be entitled An Act relating to eligibility requirements for the Texas Educational Opportunity Grant.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 56.404(e), Education Code, is amended to read as follows:

(e) A person may not receive a grant under this subchapter and ~~[if the person is eligible for]~~ a TEXAS grant under Subchapter M for the same semester or other term, regardless of whether the person is otherwise eligible for both grants during that semester or term. A person who but for this subsection would be awarded both a grant under this subchapter and a TEXAS grant for the same semester or other term is entitled to receive only the grant of the greater amount.

SECTION 2. The change in law made by this Act relating to the eligibility of a student for a Texas Educational Opportunity Grant applies beginning with grants awarded for the 2011-2012 academic year. Grants awarded for an academic year before the 2011-2012 academic year are governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2011.

Representative L. Gonzales moved to adopt the conference committee report on **HB 3577**.

The motion to adopt the conference committee report on **HB 3577** prevailed by (Record 1622): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Castro; Chisum; 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; Geren; Giddings; Gonzales, L.; Gonzales, V.; 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; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Riddle; 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; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Burnam; Christian; Garza; Gonzalez; Miles; Price.

SB 602 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Marquez submitted the conference committee report on **SB 602**.

Representative Marquez moved to adopt the conference committee report on **SB 602**.

The motion to adopt the conference committee report on **SB 602** prevailed by (Record 1623): 138 Yeas, 2 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Castro; Chisum; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Frullo; Gallego; Geren; Giddings; Gonzales, L.; Gonzales, V.; 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; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Riddle; 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; Woolley; Workman; Zedler; Zerwas.

Nays — Berman; Flynn.

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

Absent, Excused — Burnam; Christian; Garza; Gonzalez; Miles; Price.

Absent — Coleman; Lyne.

SB 249 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Orr submitted the conference committee report on **SB 249**.

Representative Orr moved to adopt the conference committee report on **SB 249**.

The motion to adopt the conference committee report on **SB 249** prevailed by (Record 1624): 139 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Castro; Chisum; 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; Geren; Giddings; Gonzales, L.; Gonzales, V.; 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; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miller, D.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Riddle; 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; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Burnam; Christian; Garza; Gonzalez; Miles; Price.

Absent — Lyne; Miller, S.; Rodriguez.

STATEMENT OF VOTE

When Record No. 1624 was taken, my vote failed to register. I would have voted yes.

S. Miller

HR 2549 - ADOPTED (by Guillen)

The following privileged resolution was laid before the house:

HR 2549

BE IT RESOLVED by the House of Representatives of the State of Texas, 82nd Legislature, Regular Session, 2011, That House Rule 13, Section 9(a), be suspended in part as provided by House Rule 13, Section 9(f), to enable the conference committee appointed to resolve the differences on **HB 3726** (preservation and maintenance of the Alamo by the General Land Office) to consider and take action on the following matter:

House Rule 13, Section 9(a)(1), is suspended to permit the committee to change text not in disagreement in proposed SECTION 2 of the bill, in added Section 31.453(e), Natural Resources Code, to read as follows:

(e) The land office may enter into an agreement with another organization for purposes of this subchapter if the land office is unable to enter into an agreement with the Daughters of the Republic of Texas as required by Subsection (a) before January 1, 2012. On the effective date of an agreement entered into with another organization under this subsection, any reference in this subchapter to the Daughters of the Republic of Texas means the organization with which the land office enters into an agreement.

Explanation: The change is necessary to allow the General Land Office to enter into an agreement for the preservation and maintenance of the Alamo with another organization if a timely agreement with the Daughters of the Republic of Texas cannot be reached.

HR 2549 was adopted by (Record 1625): 135 Yeas, 4 Nays, 3 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Castro; Chisum; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Geren; Giddings; Gonzales, V.; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; 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; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Oliveira; Orr; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Riddle; 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; Woolley; Zedler; Zerwas.

Nays — Coleman; Gonzales, L.; Lavender; Otto.

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

Absent, Excused — Burnam; Christian; Garza; Gonzalez; Miles; Price.

Absent — Nash; Workman.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1625. I intended to vote no.

Anchia

I was shown voting yes on Record No. 1625. I intended to vote no.

C. Anderson

I was shown voting yes on Record No. 1625. I intended to vote no.

Darby

I was shown voting yes on Record No. 1625. I intended to vote no.

Harless

I was shown voting yes on Record No. 1625. I intended to vote no.

Hilderbran

When Record No. 1625 was taken, I was in the house but away from my desk. I would have voted yes.

Nash

SB 263 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Kolkhorst submitted the conference committee report on SB 263.

Representative Kolkhorst moved to adopt the conference committee report on **SB 263**.

The motion to adopt the conference committee report on **SB 263** prevailed by (Record 1626): 141 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Castro; Chisum; 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; Geren; Giddings; Gonzales, L.; Gonzales, V.; 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; Miller, D.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Riddle; 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; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Burnam; Christian; Garza; Gonzalez; Miles; Price.

Absent — Miller, S.

STATEMENT OF VOTE

When Record No. 1626 was taken, my vote failed to register. I would have voted yes.

S. Miller

HB 4 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Pitts called up with senate amendments for consideration at this time,

HB 4, A bill to be entitled An Act relating to making supplemental appropriations and giving direction and adjustment authority regarding appropriations.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 7).

HB 4 - (consideration continued)

Representative Pitts moved to concur in the senate amendments to **HB 4**.

The motion to concur in the senate amendments to **HB 4** prevailed by (Record 1627): 95 Yeas, 34 Nays, 2 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Deshotel; Eiland; Elkins; Fletcher; Flynn; Frullo; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Harless; Hartnett; Hilderbran; Hopson; 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; Peña; Perry; Phillips; Pickett; Pitts; Quintanilla; Riddle; Ritter(C); Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Castro; Coleman; Davis, Y.; Dukes; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Guillen; Hernandez Luna; Hochberg; Howard, D.; King, T.; Lozano; Lucio; Mallory Caraway; Martinez; McClendon; Menendez; Muñoz; Naishtat; Raymond; Reynolds; Rodriguez; Strama; Taylor, V.; Thompson; Turner; Veasey; Villarreal.

Present, not voting — Mr. Speaker; Alvarado.

Absent, Excused — Burnam; Christian; Garza; Gonzalez; Miles; Price.

Absent — Driver; Dutton; Eissler; Gutierrez; Hardcastle; Harper-Brown; Howard, C.; Johnson; Marquez; Martinez Fischer; Oliveira; Vo; Walle.

The chair stated that **HB 4** was passed subject to the provisions of Article III, Section 49a of the Texas Constitution.

STATEMENTS OF VOTE

I was shown voting present, not voting on Record No. 1627. I intended to vote no.

Alvarado

When Record No. 1627 was taken, I was in the house but away from my desk. I would have voted yes.

Driver

When Record No. 1627 was taken, I was in the house but away from my desk. I would have voted yes.

Eissler

When Record No. 1627 was taken, I was temporarily out of the house chamber. I would have voted yes.

Hardcastle

When Record No. 1627 was taken, I was temporarily out of the house chamber. I would have voted no.

Johnson

I was shown voting yes on Record No. 1627. I intended to vote no.

Quintanilla

Senate Committee Substitute

CSHB 4, A bill to be entitled An Act relating to making supplemental appropriations and giving direction and adjustment authority regarding appropriations.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. CERTAIN REDUCTIONS IN APPROPRIATIONS FOR THE STATE FISCAL YEAR ENDING AUGUST 31, 2011. (a) The appropriations from the general revenue fund for the state fiscal year ending August 31, 2011, made by Chapter 1424 (**SB 1**), Acts of the 81st Legislature, Regular Session, 2009 (the General Appropriations Act), to the agencies listed in this subsection are reduced respectively for each agency, in the unencumbered amounts indicated by this subsection, for a total aggregate reduction of \$1,059,070,326. Each of the following agencies shall identify the strategies and objectives out of which the indicated reductions in unencumbered amounts appropriated to the agency from the general revenue fund are made except to the extent a strategy or objective is specified by this subsection:

- (1) Office of the Attorney General: \$17,484,078 from General Revenue Fund 0001;
- (2) Bond Review Board: \$52,066 from General Revenue Fund 0001;
- (3) Comptroller of Public Accounts: \$13,732,608 from General Revenue Fund 0001;
- (4) Texas Ethics Commission: \$163,972 from General Revenue Fund 0001;
- (5) Facilities Commission: \$1,291,970 from General Revenue Fund 0001;
- (6) Public Finance Authority: \$56,892,135 from General Revenue Fund 0001;
- (7) Fire Fighters' Pension Commissioner: \$16,889 from General Revenue Fund 0001;
- (8) Office of the Governor: \$271,118 from General Revenue Fund 0001;
- (9) Trusteed Programs within the Office of the Governor: \$2,541,907 from General Revenue Fund 0001;
- (10) Historical Commission: \$919,769 from General Revenue Fund 0001;
- (11) Department of Information Resources: \$59,451 from General Revenue Fund 0001;
- (12) Library & Archives Commission: \$2,393,317 from General Revenue Fund 0001;

- 0001; (13) Pension Review Board: \$42,189 from General Revenue Fund 0001;
- (14) Preservation Board: \$295,823 from General Revenue Fund 0001;
- (15) Secretary of State: \$789,485 from General Revenue Fund 0001;
- 0001; (16) Veterans Commission: \$359,819 from General Revenue Fund 0001;
- (17) Department of Aging and Disability Services: \$57,486,512 from General Revenue Fund 0001;
- (18) Department of Assistive and Rehabilitative Services: \$7,271,451 from General Revenue Fund 0001;
- (19) Department of Family and Protective Services: \$16,465,070 from General Revenue Fund 0001;
- (20) Department of State Health Services: \$30,888,622 from General Revenue Fund 0001;
- (21) Health and Human Services Commission: \$114,214,139 from General Revenue Fund 0001;
- (22) Texas Education Agency: \$90,277,640 from General Revenue Fund 0001;
- (23) School for the Blind and Visually Impaired: \$1,397,421 from General Revenue Fund 0001;
- (24) School for the Deaf: \$781,956 from General Revenue Fund 0001;
- (25) Teacher Retirement System: \$3,700,000 from General Revenue Fund 0001;
- (26) Higher Education Employees Group Insurance Contributions: \$56,153,317 from General Revenue Fund 0001;
- (27) Higher Education Coordinating Board: \$17,683,061 from General Revenue Fund 0001;
- (28) The University of Texas System Administration: \$250,000 from General Revenue Fund 0001;
- (29) The University of Texas at Arlington: \$7,979,094 from General Revenue Fund 0001;
- (30) The University of Texas at Austin: \$34,802,552 from General Revenue Fund 0001;
- (31) The University of Texas at Dallas: \$9,601,643 from General Revenue Fund 0001;
- (32) The University of Texas at El Paso: \$11,976,764 from General Revenue Fund 0001;
- (33) The University of Texas - Pan American: \$7,344,515 from General Revenue Fund 0001;
- (34) The University of Texas at Brownsville: \$3,581,390 from General Revenue Fund 0001;
- (35) The University of Texas of the Permian Basin: \$5,918,190 from General Revenue Fund 0001;
- (36) The University of Texas at San Antonio: \$12,397,011 from General Revenue Fund 0001;

- (37) The University of Texas at Tyler: \$4,365,466 from General Revenue Fund 0001;
- (38) Texas A&M University System Administrative and General Offices: \$250,000 from General Revenue Fund 0001;
- (39) Texas A&M University: \$18,065,118 from General Revenue Fund 0001;
- (40) Texas A&M University at Galveston: \$1,240,706 from General Revenue Fund 0001;
- (41) Prairie View A&M University: \$3,632,323 from General Revenue Fund 0001;
- (42) Tarleton State University: \$2,377,562 from General Revenue Fund 0001;
- (43) Texas A&M University - Corpus Christi: \$4,151,741 from General Revenue Fund 0001;
- (44) Texas A&M University - Kingsville: \$3,383,777 from General Revenue Fund 0001;
- (45) Texas A&M International University: \$2,096,339 from General Revenue Fund 0001;
- (46) West Texas A&M University: \$2,798,970 from General Revenue Fund 0001;
- (47) Texas A&M University - Commerce: \$2,861,747 from General Revenue Fund 0001;
- (48) Texas A&M University - Texarkana: \$671,472 from General Revenue Fund 0001;
- (49) University of Houston System Administration: \$257,077 from General Revenue Fund 0001;
- (50) University of Houston: \$15,995,397 from General Revenue Fund 0001;
- (51) University of Houston - Clear Lake: \$2,780,479 from General Revenue Fund 0001;
- (52) University of Houston - Downtown: \$1,849,987 from General Revenue Fund 0001;
- (53) University of Houston - Victoria: \$1,099,229 from General Revenue Fund 0001;
- (54) Midwestern State University: \$1,702,745 from General Revenue Fund 0001;
- (55) University of North Texas System Administration: \$713,628 from General Revenue Fund 0001;
- (56) University of North Texas: \$7,759,219 from General Revenue Fund 0001;
- (57) Stephen F. Austin State University: \$5,043,398 from General Revenue Fund 0001;
- (58) Texas Southern University: \$3,876,116 from General Revenue Fund 0001;
- (59) Texas Tech University System Administration: \$200,000 from General Revenue Fund 0001;

- (60) Texas Tech University: \$11,692,679 from General Revenue Fund 0001;
- (61) Angelo State University: \$2,328,579 from General Revenue Fund 0001;
- (62) Texas Woman's University: \$1,924,726 from General Revenue Fund 0001;
- (63) Texas State University System: \$85,294 from General Revenue Fund 0001;
- (64) Lamar University: \$5,140,684 from General Revenue Fund 0001;
- (65) Lamar Institute of Technology: \$732,715 from General Revenue Fund 0001;
- (66) Lamar State College - Orange: \$540,586 from General Revenue Fund 0001;
- (67) Lamar State College - Port Arthur: \$863,307 from General Revenue Fund 0001;
- (68) Sam Houston State University: \$3,448,892 from General Revenue Fund 0001;
- (69) Texas State University - San Marcos: \$6,857,731 from General Revenue Fund 0001;
- (70) Sul Ross State University: \$1,149,935 from General Revenue Fund 0001;
- (71) Sul Ross State University Rio Grande College: \$451,287 from General Revenue Fund 0001;
- (72) The University of Texas Southwestern Medical Center at Dallas: \$17,126,319 from General Revenue Fund 0001;
- (73) The University of Texas Medical Branch at Galveston: \$33,083,291 from General Revenue Fund 0001;
- (74) The University of Texas Health Science Center at Houston: \$19,408,079 from General Revenue Fund 0001;
- (75) The University of Texas Health Science Center at San Antonio: \$20,364,412 from General Revenue Fund 0001;
- (76) The University of Texas M. D. Anderson Cancer Center: \$20,446,441 from General Revenue Fund 0001;
- (77) The University of Texas Health Center at Tyler: \$5,349,891 from General Revenue Fund 0001;
- (78) Texas A&M University System Health Science Center: \$10,672,046 from General Revenue Fund 0001;
- (79) University of North Texas Health Science Center at Fort Worth: \$4,957,588 from General Revenue Fund 0001;
- (80) Texas Tech University Health Sciences Center: \$14,283,190 from General Revenue Fund 0001;
- (81) Texas State Technical College System Administration: \$314,674 from General Revenue Fund 0001;
- (82) Texas State Technical College - Harlingen: \$1,707,490 from General Revenue Fund 0001;

- (83) Texas State Technical College - West Texas: \$1,111,674 from General Revenue Fund 0001;
- (84) Texas State Technical College - Marshall: \$433,962 from General Revenue Fund 0001;
- (85) Texas State Technical College - Waco: \$2,416,071 from General Revenue Fund 0001;
- (86) Texas AgriLife Research: \$4,506,706 from General Revenue Fund 0001;
- (87) Texas AgriLife Extension Service: \$4,932,005 from General Revenue Fund 0001;
- (88) Texas Engineering Experiment Station: \$1,145,627 from General Revenue Fund 0001;
- (89) Texas Transportation Institute: \$56,250 from General Revenue Fund 0001;
- (90) Texas Engineering Extension Service: \$596,416 from General Revenue Fund 0001;
- (91) Texas Forest Service: \$1,032,378 from General Revenue Fund 0001;
- (92) Texas Veterinary Medical Diagnostic Laboratory: \$617,294 from General Revenue Fund 0001;
- (93) Supreme Court of Texas: \$559,922 from General Revenue Fund 0001;
- (94) Court of Criminal Appeals: \$269,433 from General Revenue Fund 0001;
- (95) First Court of Appeals District, Houston: \$233,239 from General Revenue Fund 0001;
- (96) Second Court of Appeals District, Fort Worth: \$175,606 from General Revenue Fund 0001;
- (97) Third Court of Appeals District, Austin: \$154,183 from General Revenue Fund 0001;
- (98) Fourth Court of Appeals District, San Antonio: \$177,249 from General Revenue Fund 0001;
- (99) Fifth Court of Appeals District, Dallas: \$319,965 from General Revenue Fund 0001;
- (100) Sixth Court of Appeals District, Texarkana: \$85,715 from General Revenue Fund 0001;
- (101) Seventh Court of Appeals District, Amarillo: \$105,089 from General Revenue Fund 0001;
- (102) Eighth Court of Appeals District, El Paso: \$85,864 from General Revenue Fund 0001;
- (103) Ninth Court of Appeals District, Beaumont: \$104,734 from General Revenue Fund 0001;
- (104) Tenth Court of Appeals District, Waco: \$84,894 from General Revenue Fund 0001;
- (105) Eleventh Court of Appeals District, Eastland: \$85,548 from General Revenue Fund 0001;

(106) Twelfth Court of Appeals District, Tyler: \$86,576 from General Revenue Fund 0001;

(107) Thirteenth Court of Appeals District, Corpus Christi-Edinburg: \$154,821 from General Revenue Fund 0001;

(108) Fourteenth Court of Appeals District, Houston: \$234,047 from General Revenue Fund 0001;

(109) Office of Court Administration, Texas Judicial Council: \$521,168 from General Revenue Fund 0001;

(110) Office of Capital Writs: \$37,089 from General Revenue Fund 0001;

(111) Office of State Prosecuting Attorney: \$53,188 from General Revenue Fund 0001;

(112) State Law Library: \$27,077 from General Revenue Fund 0001;

(113) Judiciary Section, Comptroller's Department: \$862,018 from General Revenue Fund 0001;

(114) State Commission on Judicial Conduct: \$62,772 from General Revenue Fund 0001;

(115) Adjutant General's Department: \$1,362,009 from General Revenue Fund 0001;

(116) Alcoholic Beverage Commission: \$2,793,890 from General Revenue Fund 0001;

(117) Department of Criminal Justice: \$65,874,494 from General Revenue Fund 0001;

(118) Commission on Jail Standards: \$78,513 from General Revenue Fund 0001;

(119) Juvenile Probation Commission: \$7,015,504 from General Revenue Fund 0001;

(120) Commission on Law Enforcement Officer Standards and Education: \$74,940 from General Revenue Fund 0001;

(121) Department of Public Safety: \$6,045,065 from General Revenue Fund 0001;

(122) Youth Commission: \$13,245,121 from General Revenue Fund 0001;

(123) Department of Agriculture: \$4,342,526 from General Revenue Fund 0001;

(124) Animal Health Commission: \$973,114 from General Revenue Fund 0001;

(125) Commission on Environmental Quality: \$298,050 from General Revenue Fund 0001;

(126) General Land Office and Veterans' Land Board: \$903,431 from General Revenue Fund 0001;

(127) Parks and Wildlife Department: \$227,845 from General Revenue Fund 0001;

(128) Railroad Commission: \$2,322,377 from General Revenue Fund 0001;

(129) Soil and Water Conservation Board: \$1,690,749 from General Revenue Fund 0001;

(130) Debt Service Payments - Non-Self Supporting G.O. Water Bonds: \$27,398,762 from General Revenue Fund 0001;

(131) Water Development Board: \$823,997 from General Revenue Fund 0001;

(132) Department of Housing and Community Affairs: \$1,203,967 from General Revenue Fund 0001;

(133) Texas Lottery Commission: \$388,007 from General Revenue Fund 0001;

(134) Department of Motor Vehicles: \$1,138,428 from General Revenue Fund 0001;

(135) Department of Rural Affairs: \$732,117 from General Revenue Fund 0001;

(136) Department of Transportation: \$20,000,000 from General Revenue Fund 0001;

(137) Texas Workforce Commission: \$3,754,693 from General Revenue Fund 0001;

(138) State Office of Administrative Hearings: \$252,505 from General Revenue Fund 0001;

(139) Board of Chiropractic Examiners: \$14,816 from General Revenue Fund 0001;

(140) Texas State Board of Dental Examiners: \$114,118 from General Revenue Fund 0001;

(141) Funeral Service Commission: \$18,444 from General Revenue Fund 0001;

(142) Board of Professional Geoscientists: \$40,349 from General Revenue Fund 0001;

(143) Office of Public Insurance Counsel: \$80,533 from General Revenue Fund 0001;

(144) Board of Professional Land Surveying: \$32,463 from General Revenue Fund 0001;

(145) Department of Licensing and Regulation: \$1,779,282 from General Revenue Fund 0001;

(146) Texas Medical Board: \$227,469 from General Revenue Fund 0001;

(147) Texas Board of Nursing: \$269,638 from General Revenue Fund 0001;

(148) Optometry Board: \$11,010 from General Revenue Fund 0001;

(149) Board of Pharmacy: \$212,929 from General Revenue Fund 0001;

(150) Executive Council of Physical Therapy & Occupational Therapy Examiners: \$76,090 from General Revenue Fund 0001;

(151) Board of Plumbing Examiners: \$169,609 from General Revenue Fund 0001;

(152) Board of Podiatric Medical Examiners: \$5,959 from General Revenue Fund 0001;

(153) Board of Examiners of Psychologists: \$49,005 from General Revenue Fund 0001;

(154) Real Estate Commission: \$503,762 from General Revenue Fund 0001;

(155) Securities Board: \$982,946 from General Revenue Fund 0001;

(156) Public Utility Commission of Texas: \$808,890 from General Revenue Fund 0001;

(157) Office of Public Utility Counsel: \$131,904 from General Revenue Fund 0001;

(158) Board of Veterinary Medical Examiners: \$4,419 from General Revenue Fund 0001; and

(159) agencies and entities appropriated general revenue funds by Article X, Chapter 1424 (**SB 1**), Acts of the 81st Legislature, Regular Session, 2009 (the General Appropriations Act): \$11,688,731 from General Revenue Fund 0001, subject to Section 2 of this Act.

(b)(i) The unencumbered appropriation from the sporting good sales tax transfers to the general revenue fund (State Parks Account No. 64), pursuant to Section 11.035, Parks and Wildlife Code, and Section 151.801, Tax Code, for the state fiscal year ending August 31, 2011, made by Chapter 1424 (**SB 1**), Acts of the 81st Legislature, Regular Session, 2009 (the General Appropriations Act), to the Parks and Wildlife Department is reduced by \$1,259,680.

(ii) The unencumbered appropriation from the sporting good sales tax transfers to the general revenue fund (Texas Recreation and Parks Account No. 467), pursuant to Section 24.003, Parks and Wildlife Code, and Section 151.801, Tax Code, for the state fiscal year ending August 31, 2011, made by Chapter 1424 (**SB 1**), Acts of the 81st Legislature, Regular Session, 2009 (the General Appropriations Act), to the Parks and Wildlife Department is reduced by \$3,150,000.

(iii) The unencumbered appropriation from the sporting good sales tax transfers to the general revenue fund (Large County and Municipality Recreation and Parks Account No. 5150), pursuant to Section 24.053, Parks and Wildlife Code, and Section 151.801, Tax Code, for the state fiscal year ending August 31, 2011, made by Chapter 1424 (**SB 1**), Acts of the 81st Legislature, Regular Session, 2009 (the General Appropriations Act), to the Parks and Wildlife Department is reduced by \$2,100,000.

(iv) The unencumbered appropriation from the sporting good sales tax transfers to the general revenue fund (State Parks Account No. 64), pursuant to Section 11.035, Parks and Wildlife Code, and Section 151.801, Tax Code, for the state fiscal year ending August 31, 2011, made by Chapter 1424 (**SB 1**), Acts of the 81st Legislature, Regular Session, 2009 (the General Appropriations Act), to the Public Finance Authority is reduced by \$5,847,851.

(c) The amounts of the unencumbered appropriations listed below that were appropriated from the general revenue fund by Chapter 1424 (**SB 1**), Acts of the 81st Legislature, Regular Session, 2009 (the General Appropriations Act), for Public Junior/Community Colleges, are reduced for the state fiscal year ending August 31, 2011, in the aggregate amount of \$76,111,610 as indicated by this

subsection. Pursuant to Section 130.0031, Education Code, the Texas Higher Education Coordinating Board and the comptroller of public accounts shall apply the reductions in general revenue appropriations to each community or junior college in the amounts indicated:

- (1) Alamo Community College: \$6,811,203;
- (2) Alvin Community College: \$630,970;
- (3) Amarillo College: \$1,286,495;
- (4) Angelina College: \$630,541;
- (5) Austin Community College: \$3,507,989;
- (6) Blinn College: \$2,047,679;
- (7) Brazosport College: \$438,799;
- (8) Central Texas College: \$1,588,719;
- (9) Cisco Junior College: \$522,994;
- (10) Clarendon College: \$199,528;
- (11) Coastal Bend College: \$487,469;
- (12) College of the Mainland: \$476,780;
- (13) Collin County Community College: \$2,387,580;
- (14) Dallas County Community College: \$8,912,016;
- (15) Del Mar College: \$1,391,753;
- (16) El Paso Community College: \$2,523,687;
- (17) Frank Phillips College: \$212,352;
- (18) Galveston College: \$354,701;
- (19) Grayson County College: \$558,045;
- (20) Hill College: \$793,644;
- (21) Houston Community College: \$5,275,284;
- (22) Howard College: \$822,395;
- (23) Kilgore College: \$937,550;
- (24) Laredo Community College: \$963,810;
- (25) Lee College: \$767,122;
- (26) Lone Star College System: \$4,621,188;
- (27) McLennan Community College: \$1,050,779;
- (28) Midland College: \$952,683;
- (29) Navarro College: \$1,136,872;
- (30) North Central Texas College: \$958,088;
- (31) Northeast Texas Community College: \$317,400;
- (32) Odessa College: \$635,532;
- (33) Panola College: \$397,491;
- (34) Paris Junior College: \$695,431;
- (35) Ranger College: \$156,117;
- (36) San Jacinto College: \$2,916,262;
- (37) South Plains College: \$1,127,037;
- (38) South Texas College: \$2,292,651;
- (39) Southwest Texas Junior College: \$574,796;
- (40) Tarrant County College: \$4,739,004;
- (41) Temple College: \$620,631;
- (42) Texarkana College: \$697,627;

- (43) Texas Southmost College: \$1,737,231;
- (44) Trinity Valley Community College: \$1,482,408;
- (45) Tyler Junior College: \$1,969,699;
- (46) Vernon College: \$442,264;
- (47) Victoria College: \$508,508;
- (48) Weatherford College: \$617,559;
- (49) Western Texas College: \$300,881; and
- (50) Wharton County Junior College: \$634,366.

(d) The appropriations from dedicated accounts in the general revenue fund for the state fiscal year ending August 31, 2011, made by Chapter 1424 (**SB 1**), Acts of the 81st Legislature, Regular Session, 2009 (the General Appropriations Act), to the agencies listed in this subsection are reduced respectively for each agency, in the unencumbered amounts indicated by this subsection from the dedicated accounts indicated by this subsection, for a total aggregate reduction of \$137,092,585. Each of the following agencies shall identify the strategies and objectives out of which the indicated reductions in unencumbered amounts appropriated to the agency from the indicated account in the general revenue fund are made:

(1) Commission on the Arts: \$230,069 from general revenue dedicated account number 334, Commission on the Arts Operating Account;

(2) Office of the Attorney General: \$5,510 from general revenue dedicated account number 5006, AG Law Enforcement Account;

(3) Office of the Attorney General: \$5,236 from general revenue dedicated account number 5010, Sexual Assault Program Account;

(4) Commission on State Emergency Communications: \$1,864,589 from general revenue dedicated account number 5007, Commission on State Emergency Communications Account;

(5) Commission on State Emergency Communications: \$2,039,808 from general revenue dedicated account number 5050, 9-1-1 Service Fees Account;

(6) Facilities Commission: \$120,900 from general revenue dedicated account number 570, Federal Surplus Property Service Charge Account;

(7) Historical Commission: \$234,600 from general revenue dedicated account number 664, Texas Preservation Trust Account;

(8) Department of Assistive and Rehabilitative Services: \$24,159 from general revenue dedicated account number 492, Business Enterprise Program Account;

(9) Department of State Health Services: \$774,607 from general revenue dedicated account number 19, Vital Statistics Account;

(10) Department of State Health Services: \$10,530 from general revenue dedicated account number 129, Hospital Licensing Account;

(11) Department of State Health Services: \$26,190 from general revenue dedicated account number 341, Food and Drug Retail Fee Account;

(12) Department of State Health Services: \$29,022 from general revenue dedicated account number 512, Bureau of Emergency Management Account;

(13) Department of State Health Services: \$195,168 from general revenue dedicated account number 524, Public Health Services Fee Account;

(14) Department of State Health Services: \$16,283 from general revenue dedicated account number 5017, Asbestos Removal Licensure Account;

(15) Department of State Health Services: \$4,590 from general revenue dedicated account number 5020, Workplace Chemicals List Account;

(16) Department of State Health Services: \$76,680 from general revenue dedicated account number 5024, Food and Drug Registration Account;

(17) Department of State Health Services: \$1,500,000 from general revenue dedicated account number 5049, State Owned Multicategorical Teaching Hospital Account;

(18) Department of State Health Services: \$5,000,810 from general revenue dedicated account number 5111, Designated Trauma Facility and EMS Account;

(19) Higher Education Coordinating Board: \$17,500 from general revenue dedicated account number 106, Scholarship Fund for Fifth Year Accounting Students Account;

(20) Higher Education Coordinating Board: \$16,000 from general revenue dedicated account number 542, Medical School Tuition Set Aside Account;

(21) Higher Education Coordinating Board: \$407,000 from general revenue dedicated account number 5144, Physician Education Loan Repayment Program Account;

(22) Texas A&M University System Administrative and General Offices: \$453,819 from general revenue dedicated account number 96, Texas A&M University Mineral Income Account;

(23) Prairie View A&M University: \$292,938 from general revenue dedicated account number 5029, Center for Study and Prevention of Juvenile Crime and Delinquency Account;

(24) The University of Texas Medical Branch at Galveston: \$9,375 from general revenue dedicated account number 5007, Commission on State Emergency Communications Account;

(25) Texas AgriLife Research: \$25,000 from general revenue dedicated account number 151, Clean Air Account;

(26) Texas Engineering Experiment Station: \$47,601 from general revenue dedicated account number 5071, Emissions Reduction Plan Account;

(27) Texas Forest Service: \$375,000 from general revenue dedicated account number 5064, Volunteer Fire Department Assistance Account;

(28) Office of Court Administration, Texas Judicial Council: \$726,628 from general revenue dedicated account number 5073, Fair Defense Account;

(29) Office of Capital Writs: \$41,169 from general revenue dedicated account number 5073, Fair Defense Account;

(30) Department of Criminal Justice: \$1,060,000 from general revenue dedicated account number 5060, Private Sector Prison Industries Account;

(31) Commission on Law Enforcement Officer Standards and Education: \$49,500 from general revenue dedicated account number 116, Law Enforcement Officer Standards and Education Account;

(32) Department of Public Safety: \$1,100,000 from general revenue dedicated account number 99, Operators and Chauffeurs License Account;

(33) Department of Agriculture: \$8,329 from general revenue dedicated account number 5002, Young Farmer Loan Guarantee Account;

(34) Department of Agriculture: \$44,000 from general revenue dedicated account number 5051, Go Texan Partner Program Plates Account;

(35) Commission on Environmental Quality: \$100,000 from general revenue dedicated account number 88, Low-Level Radioactive Waste Account;

(36) Commission on Environmental Quality: \$37,861 from general revenue dedicated account number 146, Used Oil Recycling Account;

(37) Commission on Environmental Quality: \$2,169,081 from general revenue dedicated account number 151, Clean Air Account;

(38) Commission on Environmental Quality: \$141,701 from general revenue dedicated account number 153, Water Resource Management Account;

(39) Commission on Environmental Quality: \$5,208 from general revenue dedicated account number 158, Watermaster Administration Account;

(40) Commission on Environmental Quality: \$151,822 from general revenue dedicated account number 549, Waste Management Account;

(41) Commission on Environmental Quality: \$210,950 from general revenue dedicated account number 550, Hazardous and Solid Waste Remediation Fees Account;

(42) Commission on Environmental Quality: \$244,249 from general revenue dedicated account number 655, Petroleum Storage Tank Remediation Account;

(43) Commission on Environmental Quality: \$13,963,227 from general revenue dedicated account number 5071, Emissions Reduction Plan Account;

(44) Commission on Environmental Quality: \$105,430 from general revenue dedicated account number 5093, Dry Cleaning Facility Release Account;

(45) Commission on Environmental Quality: \$425,384 from general revenue dedicated account number 5094, Operating Permit Fees Account;

(46) General Land Office and Veterans' Land Board: \$284,517 from general revenue dedicated account number 27, Coastal Protection Account;

(47) Parks and Wildlife Department: \$4,205,299 from general revenue dedicated account number 64, State Parks Account;

(48) Parks and Wildlife Department: \$7,317,562 from general revenue dedicated account number 9, Game, Fish, and Water Safety Account;

(49) Parks and Wildlife Department: \$300,000 from general revenue dedicated account number 467, Texas Recreation and Parks Account;

(50) Parks and Wildlife Department: \$200,000 from general revenue dedicated account number 5150, Large County and Municipality Recreation and Parks Account;

(51) Railroad Commission: \$161,191 from general revenue dedicated account number 101, Alternative Fuels Research and Education Account;

(52) Railroad Commission: \$2,333,597 from general revenue dedicated account number 145, Oil-Field Cleanup Account;

(53) Texas Department of Rural Affairs: \$157,500 from general revenue dedicated account number 5047, Permanent Fund for Rural Health Facility Capital Improvement Account;

(54) Texas Workforce Commission: \$294,654 from general revenue dedicated account number 165, Unemployment Compensation Special Administration Account;

(55) Reimbursements to the Unemployment Compensation Benefit Account: \$123,627 from general revenue dedicated account number 165, Unemployment Compensation Special Administration Account;

(56) Department of Licensing and Regulation: \$2,651 from general revenue dedicated account number 99, Operators and Chauffeurs License Account;

(57) Texas Medical Board: \$55,741 from general revenue dedicated account number 5105, Public Assurance Account;

(58) Racing Commission: \$507,420 from general revenue dedicated account number 597, Texas Racing Commission Account; and

(59) Public Utility Commission of Texas: \$86,762,303 from general revenue dedicated account number 5100, System Benefit Account.

(e) The appropriations from funds and from dedicated accounts in the general revenue fund for the state fiscal year ending August 31, 2011, made by Chapter 1424 (**SB 1**), Acts of the 81st Legislature, Regular Session, 2009 (the General Appropriations Act), to the agencies listed in this subsection are reduced respectively for each agency, in the unencumbered amounts indicated by this subsection from the funds or dedicated accounts indicated by this subsection, for a total aggregate reduction of \$60,757,700. Each of the following agencies shall identify the strategies and objectives out of which the indicated reductions in unencumbered amounts appropriated to the agency from the indicated fund or account are made:

(1) Texas Education Agency: \$10,000,000 from State Textbook Fund 0003; and

(2) Texas Education Agency: \$50,757,700 from Foundation School Fund 193.

(f)(1) The appropriations from the general revenue fund for the state fiscal year ending August 31, 2011, made by Chapter 1424 (**SB 1**), Acts of the 81st Legislature, Regular Session, 2009 (the General Appropriations Act), to the Judiciary Section, Comptroller's Department from General Revenue Fund 0001 are reduced respectively in the unencumbered amounts indicated by this subsection:

(A) \$130,561 under Strategy A.1.2., Visiting Judges - Regions;

(B) \$9,515 under Strategy A.1.3., Visiting Judges - Appellate;

(C) \$8,900 under Strategy A.1.5., District Judges: Travel;

(D) \$5,250 under Strategy B.1.5., Felony Prosecutors: Travel;

(E) \$133,456 under Strategy B.1.6., Felony Prosecutors: Expenses;

(F) \$140 under Strategy B.1.7., Travis Co. Asst. DA Supplements;

(G) \$38,203 under Strategy D.1.4., Public Integrity Unit, Travis Co.;

(H) \$97,988 under Strategy D.1.5., Special Prosecution Unit, Walker Co.;

(I) \$101,770 under Strategy D.1.9., Sex Offender Treatment and Supervision; and

(J) \$4,425 under Strategy D.1.11., Montgomery Co. - 435th Dist. Ct. Staff.

(2) The amounts of the unencumbered appropriations from General Revenue Fund 0001 that were appropriated in Strategy A.1.1., District Judge Salaries, page IV-31, Chapter 1424 (**SB 1**), Acts of the 81st Legislature, Regular Session, 2009 (the General Appropriations Act), to the Judiciary Section, Comptroller's Department, are reduced by \$4,907,836, and the appropriations from Judicial Fund 0573 are increased by \$6,507,836, for the state fiscal year ending August 31, 2011. Additionally, the appropriations in Strategy A.1.1., District Judge Salaries, for the state fiscal year ending August 31, 2011, are converted from an estimated to a sum certain appropriation of \$23,440,403 from General Revenue Fund 0001 and \$34,812,243 from Judicial Fund 0573.

(g) The appropriations from federal funds (TANF) for the state fiscal year ending August 31, 2011, made by Chapter 1424 (**SB 1**), Acts of the 81st Legislature, Regular Session, 2009 (the General Appropriations Act), to the Department of Assistive and Rehabilitative Services are reduced by \$4,319,216.

(h) The amounts of the unencumbered appropriations that were appropriated by Rider 3, page I-62, Chapter 1424 (**SB 1**), Acts of the 81st Legislature, Regular Session, 2009 (the General Appropriations Act), to the Department of Information Resources for the state fiscal year ending August 31, 2011, are reduced by \$1,250,000 from appropriated receipts, and are reduced by \$500,000 from interagency contracts. The comptroller of public accounts shall transfer the sum of those amounts from the Department of Information Resources clearing account to the undedicated portion of the general revenue fund.

(i) The amounts of the unencumbered appropriations from interagency contracts that were appropriated by Rider 8, page I-63, Chapter 1424 (**SB 1**), Acts of the 81st Legislature, Regular Session, 2009 (the General Appropriations Act), to the Department of Information Resources are reduced by \$2,550,000 for the state fiscal year ending August 31, 2011. The comptroller of public accounts shall transfer that amount from the Department of Information Resources telecommunications revolving account to the undedicated portion of the general revenue fund.

SECTION 2. REDUCTIONS FROM LEGISLATIVE AGENCIES. The lieutenant governor and the speaker of the house of representatives jointly shall identify the various Article X agencies and entities from which amounts are to be transferred and shall determine the amount reduced and transferred from each agency or entity for purposes of Section 1(a)(159) of this Act.

SECTION 3. GENERAL LAND OFFICE: CERTAIN REDUCTIONS. The appropriations to the General Land Office for the state fiscal year ending August 31, 2011, made by Chapter 1424 (SB 1), Acts of the 81st Legislature, Regular Session, 2009 (the General Appropriations Act), from general revenue dedicated account number 27, Coastal Protection Account, are reduced by \$204,220.

SECTION 4. PARKS AND WILDLIFE DEPARTMENT: CERTAIN REDUCTIONS. The unencumbered appropriations from the sporting good sales tax transfers to the general revenue fund (State Parks Account No. 64), pursuant to Section 11.035, Parks and Wildlife Code, and Section 151.801, Tax Code, for the state fiscal year ending August 31, 2011, made by Chapter 1424 (SB 1), Acts of the 81st Legislature, Regular Session, 2009 (the General Appropriations Act), to the Parks and Wildlife Department are reduced by \$7,407,220 as a result of lapses for coastal erosion projects.

SECTION 5. TRUSTEED PROGRAMS WITHIN THE OFFICE OF THE GOVERNOR: CERTAIN REDUCTIONS. The unencumbered appropriations for the state fiscal year ending August 31, 2011, made by Chapter 1424 (SB 1), Acts of the 81st Legislature, Regular Session, 2009 (the General Appropriations Act), to the Trusteed Programs within the Office of the Governor from General Revenue Fund 0001 under Strategy A.1.2., Disaster Funds, are reduced by \$20,000,000.

SECTION 6. COMMISSION ON ENVIRONMENTAL QUALITY: EMISSIONS REDUCTION PLAN. The unencumbered appropriations for the state fiscal year ending August 31, 2011, made by Chapter 1424 (SB 1), Acts of the 81st Legislature, Regular Session, 2009 (the General Appropriations Act), to the Commission on Environmental Quality from general revenue dedicated account number 5071, Emissions Reduction Plan Account, are reduced by \$35,000,000.

SECTION 7. OFFICE OF THE ATTORNEY GENERAL: CONTINGENCY FEE PAYMENT. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2011, the amount of \$17,311,326 is appropriated out of the suspense account established by the comptroller of public accounts and the attorney general in General Revenue Fund 0001 for the payment of itemized claims and judgements, plus interest, if any, against the state of Texas, to the Office of the Attorney General, for the fiscal year ending August 31, 2011, for a contingency fee payment payable under the outside counsel contract OCC No. 2007-302-0012 to Wright and Greenhill, P.C., for work performed in reaching the final judgment in State of Texas ex rel. Ven-a-Care of Florida v. Mylan Pharmaceuticals USA et al., Cause No. D-1-GV-07-001259, District Court of Travis County, 201st Judicial District.

SECTION 8. TEXAS EDUCATION AGENCY: FOUNDATION SCHOOL PROGRAM. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2011, the amount of \$600,000,000 is appropriated out of Foundation School Fund 193 to the Texas Education Agency for the two-year period beginning on the effective date of this Act for the Foundation School Program.

SECTION 9. REAL ESTATE COMMISSION: CAPITAL BUDGET AUTHORITY FOR IMAGING COSTS. In addition to the capital budget authority previously granted for the state fiscal biennium ending August 31, 2011, the Real Estate Commission may use \$196,000 in capital budget authority for the capital budget item for image system implementation.

SECTION 10. DEPARTMENT OF TRANSPORTATION: CERTAIN RIDERS. Rider 63 on page VII-37 following the appropriations to the Department of Transportation made by Chapter 1424 (**SB 1**), Acts of the 81st Legislature, Regular Session, 2009 (the General Appropriations Act), is repealed, and the department is not required to comply with that rider on and after the effective date of this Act.

SECTION 11. TEXAS EDUCATION AGENCY: INSTRUCTIONAL MATERIALS APPROPRIATIONS. \$184,000,000 of the appropriations made by Chapter 1424 (**SB 1**), Acts of the 81st Legislature, Regular Session, 2009 (the General Appropriations Act), to the Texas Education Agency from State Textbook Fund 0003 for the fiscal year ending August 31, 2011, is allocated as follows:

- (1) an estimated \$85,000,000 is allocated to fund continuing contracts costs for materials scheduled to enter classrooms for the 2011-2012 school year;
- (2) an estimated \$60,000,000 is allocated for the purchase of supplemental science instructional materials requested by the State Board of Education in May 2010; and
- (3) an estimated \$39,000,000 is allocated for the purchase of prekindergarten systems as requested by the State Board of Education under Proclamation 2011.

SECTION 12. CONTINGENT UNEXPENDED BALANCE AUTHORITY. Contingent on the 82nd Legislature, Regular Session, 2011, not acting to reduce by \$10,000,000 or more the appropriations to the comptroller of public accounts for the state fiscal biennium ending August 31, 2011, made by Rider 17.58, page IX-81, Chapter 1424 (**SB 1**), Acts of the 81st Legislature, Regular Session, 2009 (the General Appropriations Act), for deposit into Major Events Trust Fund 0869, the unobligated and unexpended balance of Major Events Trust Fund 0869, not to exceed \$10,000,000, is hereby transferred to General Revenue Fund 0001, notwithstanding the provisions of Section 5A, Chapter 1507 (**SB 456**), Acts of the 76th Legislature, Regular Session, 1999 (Article 5190.14, Vernon's Texas Civil Statutes).

SECTION 13. TEXAS STATE TECHNICAL COLLEGE - WACO: CONNALLY TECHNOLOGY CENTER. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2011, the amount of \$2,000,000 is appropriated out of General Revenue Fund 0001 to the Texas State Technical College - Waco for the two-year period beginning on the effective date of this Act for the purpose of making repairs to the Connally Technology Center. The legislature finds there is a demonstrated need for undertaking the repair of this building.

SECTION 14. DEPARTMENT OF CRIMINAL JUSTICE: CORRECTIONAL MANAGED HEALTH CARE. The amount of \$57,000,000 is appropriated out of General Revenue Fund 0001 to the Department of Criminal Justice for the two-year period beginning on the effective date of this Act for the purpose of providing for correctional managed health care.

SECTION 15. TEXAS FOREST SERVICE: WILDFIRES. The amount of \$39,800,000 is appropriated out of General Revenue Fund 0001 to the Texas Forest Service for the two-year period beginning on the effective date of this Act to pay for costs incurred associated with fighting wildfires.

SECTION 16. APPROPRIATION FROM ECONOMIC STABILIZATION FUND. The amount of \$3,248,247,540 is appropriated from Economic Stabilization Fund 0599 to the comptroller of public accounts for the purpose of depositing that amount to the credit of General Revenue Fund 0001 as money available for use during the state fiscal year ending August 31, 2011, to make expenditures previously authorized by appropriations from that fund for the state fiscal biennium ending August 31, 2011.

SECTION 17. TEXAS MILITARY VALUE REVOLVING LOAN ACCOUNT. (a) The Texas Military Preparedness Commission is appropriated \$29,000,000 in General Obligation Bond Proceeds pursuant to Section 49-n, Article III, Texas Constitution, as added by **SJR 55**, Acts of the 78th Legislature, Regular Session, 2003. The proceeds from the sale of the bonds shall be deposited in general revenue dedicated account number 5114, Texas Military Value Revolving Loan Account, to provide for economic development projects that benefit defense-related communities as provided by Subchapter D, Chapter 436, Government Code, without further appropriation.

(b) The Texas Public Finance Authority is appropriated an amount, estimated to be \$0, for the fiscal year ending August 31, 2011, out of general revenue dedicated account number 5114, Texas Military Value Revolving Loan Account, to pay the related debt service.

SECTION 18. DEPARTMENT OF ASSISTIVE AND REHABILITATIVE SERVICES: UNEXPENDED BALANCE AUTHORITY. The unexpended and unencumbered balance of the amounts appropriated by Chapter 1409 (**HB 4586**), Acts of the 81st Legislature, Regular Session, 2009, are appropriated to the Department of Assistive and Rehabilitative Services for the same purposes for a period beginning on the effective date of this Act and ending on August 31, 2011.

SECTION 19. TEXAS EDUCATION AGENCY: FUNDING FOR SCHOOL DISTRICTS SUBJECT TO PURCHASE OF ATTENDANCE CREDITS BASED ON ACTUAL REVENUE PER STUDENT. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2011, the amount of \$3,630,776 is appropriated out of General Revenue Fund 0001 to the Texas Education Agency, Strategy A.1.1., FSP - Equalized Operations, for the two-year period beginning on the effective date of this Act, for use by the commissioner of education to allow school districts that adopted a maintenance and operations tax rate for the 2009 tax year of less than \$0.30 to determine the cost of attendance credits necessary to achieve the equalized wealth

level under Chapter 41, Education Code, for the 2009-2010 school year based on Section 41.093(a)(1), Education Code, instead of Section 41.093(a)(2), Education Code.

SECTION 20. HEALTH AND HUMAN SERVICES COMMISSION: UNEXPENDED BALANCE AUTHORITY FOR HUMAN RESOURCES UPGRADE. From the appropriations made to the Health and Human Services Commission from General Revenue Fund 0001 for the state fiscal year ending August 31, 2011, by Chapter 1424 (**SB 1**), Acts of the 81st Legislature, Regular Session, 2009 (the General Appropriations Act), in Strategy A.2.1., Consolidated System Support (page II-76), and Strategy B.1.4., Children & Medically Needy (page II-76), for the HHS HR/Payroll system upgrade, the unobligated and unexpended balance (estimated to be \$6,700,000) is appropriated to the Health and Human Services Commission for the two-year period beginning on the effective date of this Act for the HHS HR/Payroll system upgrade.

SECTION 21. (a) Subject to Subsection (b) of this section, this Act takes effect immediately.

(b) Section 16 of this Act takes effect only if this Act is approved by a vote of three-fifths of the members present in each house of the legislature, as provided by Section 49-g(k), Article III, Texas Constitution. The appropriations under Section 16 of this Act are subject to certification by the comptroller of public accounts as provided by Section 49-g(k), Article III, Texas Constitution.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **CSHB 4** (senate committee printing) as follows:

(1) In SECTION 1(a) of the bill (page 1, line 21), strike "\$1,059,070,326" and substitute "\$1,065,962,443".

(2) In SECTION 1(a)(5) of the bill (page 1, line 34), strike "\$1,291,970" and substitute "\$2,791,970".

(3) In SECTION 1(a)(29) of the bill (page 2, line 19), strike "\$7,979,094" and substitute "\$12,979,094".

(4) In SECTION 1(a)(74) of the bill (page 3, line 41), strike "\$19,408,079" and substitute "\$20,408,079".

(5) In SECTION 1(a)(117) of the bill (page 4, line 57), strike "\$65,874,494" and substitute "\$67,874,494".

(6) In SECTION 1(a)(121) of the bill (page 4, line 65), strike "\$6,045,065" and substitute "\$2,245,065".

(7) In SECTION 1(a)(129) of the bill (page 5, line 12), strike "\$1,690,749" and substitute "\$2,790,749".

(8) In SECTION 1(a)(136) of the bill (page 5, line 26), strike "\$20,000,000" and substitute "\$20,092,117".

(9) In SECTION 1(d) of the bill (page 7, line 41), strike "\$137,092,585" and substitute "\$160,092,585".

(10) In SECTION 1(d) of the bill, between Subdivisions (20) and (21) (page 8, between lines 36 and 37), insert the following:

(20-a) Higher Education Coordinating Board: \$23,000,000 from general revenue dedicated account number 5103, Texas B-On-Time Student Loan Account;

(11) Strike SECTION 7 of the bill (page 11, line 58, through page 12, line 2) and substitute the following appropriately numbered SECTION:

SECTION _____. OFFICE OF THE ATTORNEY GENERAL: CONTINGENCY FEE PAYMENT. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2011, the amount of \$17,311,326 is appropriated out of the suspense account established by the comptroller of public accounts and the attorney general in General Revenue Fund 0001 for the payment of itemized claims and judgments, plus interest, if any, against the state of Texas, to the Office of the Attorney General, for the fiscal year ending August 31, 2011, for a contingency fee payment payable under the outside counsel contract OCC No. 2007-302-0012 to Wright and Greenhill, P.C., for work performed in reaching the final judgments in State of Texas ex rel. Ven-a-Care of Florida v. Mylan Pharmaceuticals USA et al., Cause No. D-1-GV-07-001259, District Court of Travis County, 201st Judicial District, and State of Texas ex rel. Ven-A-Care of the Florida Keys, Inc. v. TEVA, et al., Cause No. D-1-GV-07-001259, District Court of Travis County, 201st Judicial District.

(12) In SECTION 8 of the bill (page 12, line 6), strike "\$600,000,000" and substitute "\$550,000,000".

(13) In SECTION 11 of the bill, between "APPROPRIATIONS." and "\$184,000,000", insert "(a)".

(14) Between the end of SECTION 11 of the bill and SECTION 12 of the bill (page 12, between lines 36 and 37), insert the following:

(b) Notwithstanding Subsection (a) of this section and contingent on **HB 6**, Acts of the 82nd Legislature, Regular Session, 2011, or a similar Act of that legislative session relating to the establishment of an instructional materials allotment, being enacted by the vote necessary for the Act to take effect immediately and the Act immediately becoming law, Subsection (a) of this section has no effect and the \$184,000,000 described by that subsection is allocated to fund the instructional materials allotment in accordance with the provisions of **HB 6** or the similar Act, as applicable.

(15) In SECTION 15 of the bill (page 12, line 65), strike "\$39,800,000" and substitute "\$81,000,000".

(16) In SECTION 15 of the bill (page 12, lines 66 through 67), strike "two-year period beginning on the effective date of this Act" and substitute "state fiscal biennium ending August 31, 2013,".

(17) Strike SECTION 16 of the bill (page 12, line 69, through page 13, line 7).

(18) Strike SECTION 19 of the bill (page 13, lines 30 through 43).

(19) Strike SECTION 21 of the bill (page 13, lines 57 through 65).

(20) Add the following appropriately numbered SECTIONS to the bill:

SECTION _____. FACILITIES COMMISSION: UTILITY COSTS. (a) In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2011, the amount of \$1,500,000 is appropriated out of General Revenue Fund 0001 to the Facilities Commission under Strategy B.2.1., Facilities

Operation, for the two-year period beginning on the effective date of this Act for the purpose of providing for payment of increased utility costs as a result of an increase in utility rates.

(b) Notwithstanding Section 14.01, Part 14, Article IX, Appropriation Transfers, or similar provisions of Chapter 1424 (**SB 1**), Acts of the 81st Legislature, Regular Session, 2009 (the General Appropriations Act), money appropriated by this section may not be transferred by the Facilities Commission to another appropriation item or be used by the commission for a purpose other than payment of utility expenses without the prior written approval of the Legislative Budget Board.

SECTION _____. SUPREME COURT OF TEXAS: CERTAIN EXPENDITURES. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2011, the Supreme Court of Texas is appropriated \$71,535 from Judicial Fund 0573 for personnel costs, security expenses, unemployment reimbursements, and travel expenses.

SECTION _____. DEPARTMENT OF AGRICULTURE: RURAL LAND EVALUATION. The Department of Agriculture may use appropriations made to the department from General Revenue Fund 0001 for the state fiscal year ending August 31, 2011, by Chapter 1424 (**SB 1**), Acts of the 81st Legislature, Regular Session, 2009 (the General Appropriations Act), for the state fiscal year ending August 31, 2011, for the additional purposes of funding an assessment of the impact of illegal activity along the Texas-Mexico border on rural landowners and the agriculture industry and working in conjunction with other appropriate entities to develop recommendations to enhance border security.

SECTION _____. TEXAS AGRILIFE RESEARCH: VEGETABLE AND FRUIT RESEARCH. Contingent on the comptroller of public accounts certifying at least \$1,000,000 in general revenue receipts in excess of the estimated general revenue receipts for that state fiscal biennium stated in the comptroller's Biennial Revenue Estimate for 2012-2013, as revised on March 13, 2011, and as further revised by any subsequent revision occurring before the effective date of this Act, the following amounts are appropriated to Texas AgriLife Research from General Revenue Fund 0001 for the Vegetable and Fruit Improvement Center:

- (1) \$500,000 for the state fiscal year ending August 31, 2012; and
- (2) \$500,000 for the state fiscal year ending August 31, 2013.

SECTION _____. TRUSTEED PROGRAMS WITHIN THE OFFICE OF THE GOVERNOR. The following appropriations are made to the Trusteed Programs within the Office of the Governor from general revenue dedicated account number 5003, Hotel Occupancy Tax for Economic Development Account, for purposes of economic development and tourism:

- (1) \$15,262,735 for the state fiscal year ending August 31, 2012; and
- (2) \$15,262,735 for the state fiscal year ending August 31, 2013.

SECTION _____. UNIVERSITY OF TEXAS MEDICAL BRANCH AT GALVESTON: UNEXPENDED BALANCE AUTHORITY. The unexpended and unencumbered balances of the amounts appropriated by Section 55, Chapter 1409 (**HB 4586**), Acts of the 81st Legislature, Regular Session, 2009, are

appropriated for the two-year period beginning on the effective date of this Act to The University of Texas Medical Branch at Galveston for the same purposes as and with the same limitations as prescribed by that Act.

SECTION _____. TEXAS EDUCATION AGENCY: CERTAIN POSITIONS. The amount of \$18,000,000 is appropriated from Permanent School Fund 0044 to the Texas Education Agency for each fiscal year of the state fiscal biennium ending August 31, 2013, for agency operations related to the management and administration of the Permanent School Fund. The agency's cap on full-time equivalent positions is increased by 31.0 in each of those fiscal years.

SECTION _____. TEXAS EDUCATION AGENCY: SUPPLEMENTAL EDUCATION AND ACADEMIC READINESS SERVICES. (a) The amount of \$8,750,000 is appropriated from General Revenue Fund 0001 to the Texas Education Agency for each fiscal year of the state fiscal biennium ending August 31, 2013, for the purposes of:

(1) providing supplemental education services to students who failed to perform satisfactorily on reading or mathematics assessment instruments administered under Section 39.023, Education Code; and

(2) funding programs targeting the prevention of academic failure, including algebra readiness programs, literacy academies, mathematics academies, professional development programs, middle grades initiatives, and other assistance initiatives and programs that focus on improving student performance on state assessment instruments.

(b) It is the intent of the legislature that the commissioner of education establish a list of qualified providers to provide remedial and tutorial services for students described by Subsection (a)(1) of this section.

SECTION _____. THE UNIVERSITY OF TEXAS AT ARLINGTON: REGIONAL NURSING EDUCATION CENTER. The amount of \$5,000,000 is appropriated from General Revenue Fund 0001 to The University of Texas at Arlington for the state fiscal biennium ending August 31, 2013, for the Regional Nursing Education Center.

SECTION _____. THE UNIVERSITY OF TEXAS AT DALLAS: MIDDLE SCHOOL BRAIN YEARS. The amount of \$3,000,000 is appropriated from General Revenue Fund 0001 to The University of Texas at Dallas for the state fiscal biennium ending August 31, 2013, for the Middle School Brain Years program.

SECTION _____. THE UNIVERSITY OF TEXAS OF THE PERMIAN BASIN: COLLEGE OF ENGINEERING. The amount of \$1,700,000 is appropriated from General Revenue Fund 0001 to The University of Texas of the Permian Basin for the state fiscal biennium ending August 31, 2013, for the College of Engineering.

SECTION _____. TEXAS A&M UNIVERSITY - CORPUS CHRISTI: ENGINEERING PROGRAM. The amount of \$500,000 is appropriated from General Revenue Fund 0001 to Texas A&M University - Corpus Christi for the state fiscal biennium ending August 31, 2013, for the engineering program.

SECTION _____. TEXAS ENGINEERING EXPERIMENT STATION: NUCLEAR POWER INSTITUTE. The amount of \$2,000,000 is appropriated from General Revenue Fund 0001 to the Texas Engineering Experiment Station for the state fiscal biennium ending August 31, 2013, for the Nuclear Power Institute.

SECTION _____. 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 _____. SUL ROSS STATE UNIVERSITY: CAMPUS UTILITY INFRASTRUCTURE. The amount of \$7,000,000 is appropriated from General Revenue Fund 0001 to Sul Ross State University for the state fiscal biennium ending August 31, 2013, for the purpose of providing for campus utility infrastructure. The legislature finds there is a demonstrated need for funding this infrastructure.

SECTION _____. LAMAR INSTITUTE OF TECHNOLOGY: TECHNICAL ARTS BUILDING. The amount of \$5,000,000 is appropriated from General Revenue Fund 0001 to the Lamar Institute of Technology for the state fiscal biennium ending August 31, 2013, for the purpose of making repairs to the Technical Arts buildings. The legislature finds there is a demonstrated need for funding this infrastructure.

SECTION _____. UNIVERSITY OF NORTH TEXAS SYSTEM: COLLEGE OF PHARMACY. From amounts appropriated for the state fiscal biennium ending August 31, 2013, to the University of North Texas, the University of North Texas at Dallas, and the University of North Texas Health Science Center at Fort Worth by **HB 1**, Acts of the 82nd Legislature, Regular Session, 2011 (the General Appropriations Act), an amount not to exceed \$300,000 may be spent to establish the College of Pharmacy offering the standard pharmacy curriculum leading to a doctor of Pharmacy (Pharm. D) degree on the campuses of the University of North Texas, the University of North Texas at Dallas, and the University of North Texas Health Science Center at Fort Worth. The appropriated funds may not be spent on costs associated with constructing or maintaining the pharmacy school buildings.

SECTION _____. SAM HOUSTON STATE UNIVERSITY: UNEXPENDED BALANCE AUTHORITY. The unexpended and unencumbered balances of the amounts appropriated by Chapter 1424 (**SB 1**), Acts of the 81st Legislature, Regular Session, 2009 (the General Appropriations Act), in Riders 3 and 4 to the bill pattern for Sam Houston State University (page III-147) are appropriated to Sam Houston State University for the same purposes for the state fiscal biennium ending August 31, 2013.

SECTION _____. WATER DEVELOPMENT BOARD: LAKE COLUMBIA WATER SUPPLY PROJECT. (a) It is the intent of the legislature that the Water Development Board allocate an amount of general revenue, not to exceed \$1,400,000, out of funds appropriated to the board by **HB 1**, Acts of the

82nd Legislature, Regular Session, 2011 (the General Appropriations Act), for purposes of developing a draft environmental impact statement for the Lake Columbia water supply project.

(b) In the event that the amount of \$1,400,000 of general revenue funds is not available from funds appropriated to the Water Development Board by **HB 1**, Acts of the 82nd Legislature, Regular Session, 2011 (the General Appropriations Act), it is the intent of the legislature that the board, to the extent permissible under that chapter, provide for a loan in accordance with Chapter 15, Water Code, for purposes of developing a draft environmental impact statement for the Lake Columbia water supply project.

SECTION _____. THE UNIVERSITY OF TEXAS M.D. ANDERSON CANCER CENTER: INSTITUTIONAL OPERATIONS. The amount of \$17,383,894 is appropriated from General Revenue Fund 0001 to The University of Texas M.D. Anderson Cancer Center for the state fiscal biennium ending August 31, 2013, for institutional operations.

SECTION _____. THE UNIVERSITY OF TEXAS SOUTHWESTERN MEDICAL CENTER AT DALLAS: INSTITUTIONAL OPERATIONS. The amount of \$12,587,647 is appropriated from General Revenue Fund 0001 to The University of Texas Southwestern Medical Center at Dallas for the state fiscal biennium ending August 31, 2013, for institutional operations.

SECTION _____. THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT HOUSTON: INSTITUTIONAL OPERATIONS. (a) The amount of \$24,145,091 is appropriated from General Revenue Fund 0001 to The University of Texas Health Science Center at Houston for the state fiscal biennium ending August 31, 2013, for institutional operations.

(b) Out of the funds appropriated in Subsection (a) of this section, the University of Texas Health Science Center at Houston shall allocate:

- (1) \$2,000,000 to the Texas Heart Institute; and
- (2) \$1,000,000 to provide trauma care.

SECTION _____. THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT SAN ANTONIO: INSTITUTIONAL OPERATIONS. (a) The amount of \$16,818,235 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 institutional operations.

(b) Money appropriated by this section may be spent only with the prior written approval of the Legislative Budget Board.

SECTION _____. THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT TYLER: INSTITUTIONAL OPERATIONS. The amount of \$8,752,408 is appropriated from General Revenue Fund 0001 to The University of Texas Health Science Center at Tyler for the state fiscal biennium ending August 31, 2013, for institutional operations.

SECTION _____. THE UNIVERSITY OF TEXAS MEDICAL BRANCH AT GALVESTON: TUITION REVENUE BOND DEBT SERVICE AND INSTITUTIONAL OPERATIONS. The amount of \$19,863,510 is appropriated

from General Revenue Fund 0001 to The University of Texas Medical Branch at Galveston for the state fiscal biennium ending August 31, 2013, for tuition revenue bond debt service and institutional operations.

SECTION ____ . TEXAS A&M UNIVERSITY SYSTEM HEALTH SCIENCE CENTER: INSTITUTIONAL OPERATIONS. The amount of \$13,040,271 is appropriated from General Revenue Fund 0001 to the Texas A&M University System Health Science Center for the state fiscal biennium ending August 31, 2013, for institutional operations.

SECTION ____ . UNIVERSITY OF NORTH TEXAS HEALTH SCIENCE CENTER AT FORT WORTH: INSTITUTIONAL OPERATIONS. The amount of \$5,273,298 is appropriated from General Revenue Fund 0001 to the University of North Texas Health Science Center at Fort Worth for the state fiscal biennium ending August 31, 2013, for institutional operations.

SECTION ____ . TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER: INSTITUTIONAL OPERATIONS. The amount of \$20,078,384 is appropriated from General Revenue Fund 0001 to the Texas Tech University Health Sciences Center for the state fiscal biennium ending August 31, 2013, for institutional operations.

SECTION ____ . THE UNIVERSITY OF TEXAS SOUTHWESTERN MEDICAL CENTER AT DALLAS: INSTITUTIONAL OPERATIONS. The amount of \$8,000,000 is appropriated from General Revenue Fund 0001 to the University of Texas Southwestern Medical Center at Dallas for the two-year period beginning on the effective date of this Act for institutional operations.

SECTION ____ . THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT SAN ANTONIO: INSTITUTIONAL OPERATIONS. The amount of \$8,000,000 is appropriated from General Revenue Fund 0001 to The University of Texas Health Science Center at San Antonio for the two-year period beginning on the effective date of this Act for institutional operations.

SECTION ____ . THE UNIVERSITY OF TEXAS M.D. ANDERSON CANCER CENTER: INSTITUTIONAL OPERATIONS. The amount of \$8,000,000 is appropriated from General Revenue Fund 0001 to The University of Texas M.D. Anderson Cancer Center for the two-year period beginning on the effective date of this Act for institutional operations.

SECTION ____ . TEXAS A&M UNIVERSITY SYSTEM HEALTH SCIENCE CENTER: INSTITUTIONAL OPERATIONS. The amount of \$8,000,000 is appropriated from General Revenue Fund 0001 to the Texas A&M University System Health Science Center for the two-year period beginning on the effective date of this Act for institutional operations.

SECTION ____ . UNIVERSITY OF NORTH TEXAS HEALTH SCIENCE CENTER AT FORT WORTH: INSTITUTIONAL OPERATIONS. The amount of \$5,000,000 is appropriated from General Revenue Fund 0001 to the University of North Texas Health Science Center at Fort Worth for the two-year period beginning on the effective date of this Act for institutional operations.

SECTION _____. TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER: INSTITUTIONAL OPERATIONS. The amount \$8,000,000 is appropriated from General Revenue Fund 0001 to Texas Tech University Health Sciences Center for the two-year period beginning on the effective date of this Act for institutional operations.

SECTION _____. DEPARTMENT OF PUBLIC SAFETY: CERTAIN UNEXPENDED BALANCE AUTHORITY. The unexpended and unencumbered balances of the amounts of general revenue appropriated by Chapter 1424 (SB 1), Acts of the 81st Legislature, Regular Session, 2009 (the General Appropriations Act), are appropriated to the Department of Public Safety for the state fiscal biennium ending August 31, 2013, in a total amount not to exceed \$3,800,000, for the same purposes as prescribed by that Act.

SECTION _____. This Act takes effect immediately.

(21) Renumber the SECTIONS of the bill appropriately.

Senate Amendment No. 2 (Senate Floor Amendment No. 2)

Amend Floor Amendment No. 1 to **CSHB 4** as follows:

Add a new Section _____. Office of Court Administration, Texas Judicial Council: Court Collection Improvement Program. The amount of \$337,500 is appropriated from General Revenue Fund 0001 to the Office of Court Administration for each fiscal year of the state fiscal biennium ending August 31, 2013, for the purposes of auditing the Court Collection Improvement Program. The agency's cap on full-time equivalent positions is increased by 8.0 in each of those fiscal years.

Senate Amendment No. 3 (Senate Floor Amendment No. 3)

Amend Floor Amendment No. 1 as follows:

1) On page 12, line 18 add the following appropriately numbered SECTION to the bill:

SECTION _____. HIGHER EDUCATION COORDINATING BOARD: Baylor College of Medicine. The amount of \$4,100,000 is appropriated from General Revenue Fund 0001 to the Higher Education Coordinating Board for the state fiscal biennium ending August 31, 2013, for Baylor College of Medicine.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for the remainder of today because of important business in the district:

Harper-Brown on motion of Crownover.

C. Howard on motion of W. Smith.

Walle on motion of Farias.

The following member was granted leave of absence for the remainder of today because of important business:

Vo on motion of Castro.

**HB 2549 - HOUSE DISCHARGES CONFEREES
HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Crownover called up with senate amendments for consideration at this time,

HB 2549, A bill to be entitled An Act relating to the authority of a state employee to authorize a deduction from the employee's salary or wage payment for a charitable contribution to certain entities.

Representative Crownover moved to discharge the conferees and concur in the senate amendments to **HB 2549**.

The motion to discharge the conferees and concur in the senate amendments to **HB 2549** prevailed by (Record 1628): 137 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycocck; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Castro; Chisum; 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; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; 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; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Riddle; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Burnam; Christian; Garza; Gonzalez; Harper-Brown; Howard, C.; Miles; Price; Vo; Walle.

Absent — Lyne.

Senate Committee Substitute

CSHB 2549, A bill to be entitled An Act relating to the authority of a state employee to authorize a deduction from the employee's salary or wage payment for a charitable contribution to certain entities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle D, Title 4, Government Code, is amended by adding Chapter 450 to read as follows:

CHAPTER 450. EDUCATIONAL PROGRAMS TO ADVANCE THE
TEACHING OF TEXAS HISTORY

Sec. 450.001. APPLICABILITY OF CHAPTER. In this chapter "charitable historical organization" means an entity that:

- (1) is organized as a nonprofit organization;
- (2) has its main office at an institution of higher education, as that term is defined under Section 61.003, Education Code; and
- (3) maintains an established educational department that provides:
 - (A) opportunities for students in this state to study and work to preserve the history, heritage, and symbols of this state; and
 - (B) training and resources to assist educators in developing effective strategies to teach students about the heritage, history, and symbols of this state.

Sec. 450.002. FUNDING. For the purposes of Subchapter I, Chapter 659:

- (1) a charitable historical organization is considered an eligible charitable organization entitled to participate in a state employee charitable campaign; and
- (2) a state employee is entitled to authorize a deduction for contributions to a charitable historical organization as a charitable contribution under Section 659.132, and the organization may use the contributions for the purpose of administering and providing educational outreach programs established by the organization.

SECTION 2. Sections 659.140 and 659.134, Government Code, are amended to read as follows:

Sec. 659.140. STATE EMPLOYEE CHARITABLE CAMPAIGN POLICY COMMITTEE. (a) The state employee charitable campaign policy committee shall consist ~~[consists]~~ of 13 ~~[not more than 10]~~ members.

(b) The governor with the advice and consent of the senate shall ~~[may]~~ appoint four members who are state employees at the time of their appointment and three members who are retired state employees receiving benefits under Chapter 814 ~~[not more than four members]~~. The lieutenant governor and the comptroller may appoint not more than three members each. An appointment to the committee shall be made without regard to the race, color, disability, sex, religion, age, or national origin of the appointee. The state policy committee shall elect a chairman biennially from its own membership.

(c) A ~~[Each]~~ member of the state policy committee may not receive compensation for serving on the committee and is not entitled to reimbursement from state funds for expenses incurred in performing functions as a member of the committee ~~[must be a state employee]~~. The membership must represent employees at different levels of employee classification.

(d) A person may not be a member of the committee if the person or the person's spouse is employed by or participates in the management or sits on the board of any entity or organization including any federation or fund that receives money through the state employee charitable campaign ~~[Appointments shall be made to the state policy committee to ensure that the committee reflects the race, ethnicity, and national origin of the residents of this state]~~.

(e) The state policy committee shall:

- (1) establish local campaign areas based on recommendations by the state advisory committee;
- (2) select as the state campaign manager:
 - (A) a federated community campaign organization; or
 - (B) ~~[in the absence of an application by an organization described by Paragraph (A),]~~ a charitable organization determined by the state policy committee to have demonstrated the capacity to conduct a state campaign;
- (3) determine the eligibility of a federation or fund and its affiliated agencies for statewide participation in the state employee charitable campaign;
- (4) approve the recommended campaign plan, budget, and generic materials to be used by campaign managers;
- (5) oversee the state employee charitable campaign to ensure that all campaign activities are conducted fairly and equitably to promote unified solicitation on behalf of all participants; and
- (6) perform other duties prescribed by the comptroller's rules.

(f) The state employee charitable campaign policy committee is subject to the open meetings law, Chapter 551, Government Code.

(g) The state employee charitable campaign policy committee is subject to the public information law, Chapter 552, Government Code.

(h) Any contract entered into under Chapter 659, Subchapter I must require the contracting vendor, institution, individual, corporation, or other business or charitable entity to provide all information maintained by the entity related to the expenditure of public funds to the state employee charitable campaign policy committee upon request.

(i) The state employee charitable campaign policy committee is subject to the Texas Sunset Act. Unless continued in existence as provided by that chapter, the committee is abolished and Government Code Chapter 659, Subchapter I, and Sections 814.0095 and 814.0096 expire on September 1, 2013.

Sec. 659.134. DESIGNATION OF AN ELIGIBLE CHARITABLE ORGANIZATION. (a) A state employee or retired state employee receiving benefits under Chapter 814 who chooses to make a deduction must [may] designate in the authorization an eligible charitable organization to receive the deductions.

~~[(b) If a state employee does not designate an eligible charitable organization, the employee's deductions shall be distributed to each participating federation or fund and eligible local charitable organization in the proportion that the deductions designated for that charitable organization bear to the total of designated deductions in the local state employee charitable campaign.]~~

SECTION 3. This Act takes effect September 1, 2011.

**SB 408 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Keffer, the house granted the request of the senate for the appointment of a Conference Committee on **SB 408**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 408**: Keffer, chair; Chisum, Hardcastle, Huberty, and Lozano.

**SB 542 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Fletcher, the house granted the request of the senate for the appointment of a Conference Committee on **SB 542**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 542**: Fletcher, chair; Deshotel, Driver, P. King, and Lavender.

**SB 660 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Keffer, the house granted the request of the senate for the appointment of a Conference Committee on **SB 660**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 660**: Ritter, chair; Hopson, Keffer, T. King, and Lucio.

**SB 1130 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Kleinschmidt, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1130**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1130**: Kleinschmidt, chair; Flynn, Lewis, Quintanilla, and Sheets.

**SB 40 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Keffer, the house granted the request of the senate for the appointment of a Conference Committee on **SB 40**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 40**: Callegari, chair; Frullo, Menendez, S. Miller, and Orr.

**HB 2154 - HOUSE DISCHARGES CONFEREES
HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Eiland called up with senate amendments for consideration at this time,

HB 2154, A bill to be entitled An Act relating to certain continuing education requirements for agents who sell Medicare-related products and annuities.

Representative Eiland moved to discharge the conferees and concur in the senate amendments to **HB 2154**.

The motion to discharge the conferees and concur in the senate amendments to **HB 2154** prevailed by (Record 1629): 136 Yeas, 0 Nays, 3 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Castro; Chisum; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; 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; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Riddle; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Burnam; Christian; Garza; Gonzalez; Harper-Brown; Howard, C.; Miles; Price; Vo; Walle.

Absent — Driver.

Senate Committee Substitute

CSHB 2154, A bill to be entitled An Act relating to certain continuing education requirements for agents who sell annuities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 4004.202(b), Insurance Code, is amended to read as follows:

(b) Each agent described by Subsection (a) must complete eight ~~four~~ hours of continuing education ~~annually~~ that specifically relates to annuities during the agent's two-year licensing period. ~~[The annual period under this section must be based on the agent's license expiration date or another date specified by the commissioner by rule, and the education requirement under this subsection must be met within that annual period, notwithstanding Section 4004.051(b).]~~

SECTION 2. This Act takes effect September 1, 2011.

**HB 242 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

Representative Craddick called up with senate amendments for consideration at this time,

HB 242, A bill to be entitled An Act relating to the authority of certain retired peace officers to carry certain firearms.

Representative Craddick moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 242**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 242**: Craddick, chair; Cook, Martinez Fischer, Isaac, and Parker.

PROVIDING FOR ADJOURNMENT

Representative Pickett moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 10:30 a.m. tomorrow.

The motion prevailed.

RESOLUTIONS REFERRED TO COMMITTEES

Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

(R. Anderson in the chair)

ADJOURNMENT

In accordance with a previous motion, the house, at 9:07 p.m., adjourned until 10:30 a.m. tomorrow.

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

HR 1366 (By Craddick), Congratulating Norris and Peggy Barron of Lamesa on their 60th wedding anniversary.
To Rules and Resolutions.

HR 1367 (By Craddick), Congratulating James and Ruby Bagley of Midland on their 50th wedding anniversary.
To Rules and Resolutions.

HR 1759 (By Martinez), Honoring the Progreso Independent School District for its Early College High School program.
To Rules and Resolutions.

HR 2420 (By Lewis), Commending Paige True Farrow for her service as an intern in the office of State Representative Tryon Lewis.
To Rules and Resolutions.

HR 2421 (By Lewis), Commending Armen Hazarian for his service in the office of State Representative Tryon Lewis.
To Rules and Resolutions.

HR 2422 (By Lewis), Commending Derek L. Tanner for his service as an intern in the office of State Representative Tryon Lewis.
To Rules and Resolutions.

HR 2582 (By Sheffield), Paying tribute to the memory of Officer Patrick Sirois, who was posthumously honored with the 2010 State of Texas Law Enforcement Achievement Award for Valor.
To Rules and Resolutions.

HR 2583 (By C. Anderson), In memory of James Stephen Odom of McGregor.
To Rules and Resolutions.

HR 2584 (By C. Anderson), In memory of Hugh Clark Garland of Waco.
To Rules and Resolutions.

HR 2585 (By C. Anderson), In memory of Lorenzo "Lorry" Rosas of Speegleville.
To Rules and Resolutions.

HR 2586 (By C. Anderson), In memory of Betty Ann McWilliams of Waco.
To Rules and Resolutions.

HR 2587 (By Callegari), Honoring Tom Whatley on his 30 years of service with the House Research Organization.
To Rules and Resolutions.

HR 2588 (By Callegari), In memory of John Sauter on the occasion of the dedication of John Sauter Memorial Park.
To Rules and Resolutions.

HR 2589 (By C. Anderson), In memory of Anita Van Cleave Glass of Waco.
To Rules and Resolutions.

HR 2590 (By C. Anderson), In memory of Diana Marie Woodward of Waco.

To Rules and Resolutions.

HR 2591 (By C. Anderson), Congratulating Ashley Anne Roberts and Aaron Michael Rieger on their wedding.

To Rules and Resolutions.

HR 2592 (By C. Anderson), In memory of Joe Alba of Waco.

To Rules and Resolutions.

HR 2593 (By C. Anderson), In memory of Michael Benavidez of Waco.

To Rules and Resolutions.

HR 2594 (By C. Anderson), In memory of Doris Kathleen Burch of Waco.

To Rules and Resolutions.

HR 2595 (By C. Anderson), In memory of Laverne Townsend of Waco.

To Rules and Resolutions.

HR 2596 (By C. Anderson), In memory of Iris Marie Vonasek of West.

To Rules and Resolutions.

HR 2597 (By C. Anderson), In memory of Andrew Jackson Wade of Waco.

To Rules and Resolutions.

HR 2598 (By C. Anderson), Congratulating Michelle Penney and Jack Abel, Jr., on their wedding.

To Rules and Resolutions.

HR 2599 (By C. Anderson), In memory of Joyce Norsworthy Wailes of Waco.

To Rules and Resolutions.

HR 2600 (By Martinez), In memory of U.S. Army Sergeant Fernando De La Rosa.

To Rules and Resolutions.

HR 2601 (By McClendon), In memory of Robert Washington, Jr., of San Antonio.

To Rules and Resolutions.

HR 2602 (By Peña), Commending Paul Kamprath for his service as clerk of the House Committee on Technology.

To Rules and Resolutions.

HR 2604 (By Y. Davis), Congratulating J'Nay Washington on her graduation from the Texas School for the Deaf.

To Rules and Resolutions.

HR 2605 (By Y. Davis), Honoring Edna Pemberton for her contributions to her community.

To Rules and Resolutions.

HR 2606 (By Y. Davis), Honoring Iva J. Price for her contributions to her community.

To Rules and Resolutions.

HR 2607 (By Riddle), In memory of Frederick Cordingley "Bud" Hadfield.

To Rules and Resolutions.

HR 2608 (By Strama), Congratulating Owen Whitworth of Austin on his retirement as director of the Audit Office for the Texas Department of Transportation.

To Rules and Resolutions.

HR 2609 (By Strama), Congratulating John and Catherine Howard on their 50th wedding anniversary.

To Rules and Resolutions.

HR 2610 (By Strama), Congratulating Rebecca Powers on her retirement as executive director of Impact Austin.

To Rules and Resolutions.

HR 2615 (By Hernandez Luna), Congratulating Isaiah Tellez of Pasadena on being named a finalist in the Texas Folklife 2011 Big Squeeze accordion contest.

To Rules and Resolutions.

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

House List No. 39

HB 14, HB 25, HB 42, HB 78, HB 174, HB 274, HB 275, HB 289, HB 336, HB 359, HB 360, HB 371, HB 384, HB 398, HB 427, HB 452, HB 554, HB 559, HB 645, HB 673, HB 709, HB 710, HB 718, HB 748, HB 782, HB 788, HB 790, HB 805, HB 807, HB 844, HB 850, HB 896, HB 961, HB 1009, HB 1033, HB 1083, HB 1118, HB 1205, HB 1247, HB 1293, HB 1301, HB 1314, HB 1330, HB 1376, HB 1402, HB 1429, HB 1473, HB 1476, HB 1500, HB 1651, HB 1690, HB 1721, HB 1737, HB 1750, HB 1784, HB 1823, HB 1856, HB 1887, HB 1891, HB 1897, HB 1930, HB 1967, HB 1969, HB 1981, HB 1994, HB 2119, HB 2124, HB 2133, HB 2136, HB 2138, HB 2141, HB 2220, HB 2247, HB 2256, HB 2266, HB 2296, HB 2310, HB 2315, HB 2330, HB 2338, HB 2346, HB 2363, HB 2396, HB 2460, HB 2492, HB 2496, HB 2541, HB 2575, HB 2577, HB 2584, HB 2636, HB 2651, HB 2678, HB 2722, HB 2869, HB 2960, HB 2966, HB 2996, HB 2997, HB 3003, HB 3030, HB 3076, HB 3079, HB 3096, HB 3125, HB 3197, HB 3208, HB 3216, HB 3369, HB 3384, HB 3399, HB 3462, HB 3474, HB 3475, HB 3580, HB 3597, HB 3674, HB 3724, HB 3730, HB 3746, HB 3813, HB 3831, HB 3834, HB 3837, HB 3840, HB 3842, HB 3843, HB 3844, HB 3856, HB 3866, HCR 129, HCR 142, HCR 162

Senate List No. 35

SB 17, SB 173, SB 201, SB 244, SB 271, SB 327, SB 329, SB 364, SB 365, SB 370, SB 460, SB 475, SB 479, SB 717, SB 738, SB 762, SB 766, SB 768, SB 781, SB 789, SB 801, SB 819, SB 847, SB 937, SB 969, SB 975, SB 1009, SB 1026, SB 1042, SB 1055, SB 1058, SB 1073, SB 1120, SB 1124, SB 1169, SB 1200, SB 1225, SB 1290, SB 1360, SB 1383, SB 1393, SB 1434, SB 1545, SB 1560, SB 1617, SB 1619, SB 1726, SB 1799, SB 1877, SB 1899, SB 1910, SB 1913, SB 1916, SB 1925, SB 1926, SCR 2, SCR 58, SJR 9, SJR 14, SJR 26, SJR 37, SJR 50

Senate List No. 36

SB 20, SB 167, SB 176, SB 181, SB 218, SB 220, SB 229, SB 349, SB 438, SB 548, SB 683, SB 701, SB 761, SB 802, SB 804, SB 810, SB 812, SB 917, SB 1386, SB 1477, SB 1504, SB 1686, SB 1714, SCR 56

MESSAGES FROM THE SENATE

The following messages from the senate were today received by the house:

Message No. 1

**MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Friday, May 27, 2011**

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HCR 115 Smith, Wayne SPONSOR: Gallegos
Honoring the Battleship Texas Foundation for its work to preserve the historic battleship.

THE SENATE HAS CONCURRED IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

- SB 5** (31 Yeas, 0 Nays)
- SB 78** (31 Yeas, 0 Nays)
- SB 573** (25 Yeas, 6 Nays)
- SB 859** (31 Yeas, 0 Nays)
- SB 1233** (31 Yeas, 0 Nays)
- SB 1271** (31 Yeas, 0 Nays)

THE SENATE HAS GRANTED THE REQUEST OF THE HOUSE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

HB 725

Senate Conferees: Fraser - Chair/Deuell/Eltife/Shapiro/Watson

HB 3275

Senate Conferees: Ellis - Chair/Eltife/Jackson/Watson/West

Respectfully,

Patsy Spaw

Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE
SENATE CHAMBER

Austin, Texas

Friday, May 27, 2011 - 2

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HB 3841 Martinez, "Mando" SPONSOR: Lucio
Relating to the designation of a portion of Farm-to-Market Road 907 in Hidalgo County as Rudy Villarreal Road.

HCR 165 Guillen SPONSOR: Eltife
Honoring the 2011 and 2012 Texas State Artist appointees.

HCR 167 Otto SPONSOR: Williams
Instructing the enrolling clerk of the house to make corrections in **HB 2203**.

SCR 59 Hegar
Instructing the enrolling clerk of the senate to make corrections in **SB 1082**.

THE SENATE HAS REFUSED TO CONCUR IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

SB 100

Senate Conferees: Van de Putte - Chair/Duncan/Seliger/Shapiro/Williams

THE SENATE HAS GRANTED THE REQUEST OF THE HOUSE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

HB 628

Senate Conferees: Jackson - Chair/Duncan/Fraser/Seliger/Van de Putte

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE
SENATE CHAMBER

Austin, Texas
Friday, May 27, 2011 - 3

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS CONCURRED IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

- SB 49** (30 Yeas, 1 Nay)
- SB 303** (31 Yeas, 0 Nays)
- SB 322** (31 Yeas, 0 Nays)
- SB 332** (30 Yeas, 1 Nay)
- SB 407** (31 Yeas, 0 Nays)
- SB 425** (31 Yeas, 0 Nays)
- SB 480** (31 Yeas, 0 Nays)
- SB 502** (31 Yeas, 0 Nays)
- SB 594** (31 Yeas, 0 Nays)
- SB 629** (31 Yeas, 0 Nays)
- SB 731** (31 Yeas, 0 Nays)
- SB 736** (31 Yeas, 0 Nays)
- SB 809** (31 Yeas, 0 Nays)
- SB 924** (31 Yeas, 0 Nays)
- SB 942** (31 Yeas, 0 Nays)
- SB 978** (31 Yeas, 0 Nays)
- SB 988** (30 Yeas, 1 Nay)
- SB 993** (31 Yeas, 0 Nays)
- SB 1003** (31 Yeas, 0 Nays)
- SB 1094** (31 Yeas, 0 Nays)
- SB 1196** (31 Yeas, 0 Nays)

- SB 1209** (31 Yeas, 0 Nays)
- SB 1216** (31 Yeas, 0 Nays)
- SB 1416** (31 Yeas, 0 Nays)
- SB 1551** (31 Yeas, 0 Nays)
- SB 1605** (31 Yeas, 0 Nays)
- SB 1620** (30 Yeas, 1 Nay)
- SB 1636** (31 Yeas, 0 Nays)
- SB 1920** (31 Yeas, 0 Nays)

THE SENATE HAS REFUSED TO CONCUR IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

SB 293

Senate Conferees: Watson - Chair/Harris/Nelson/Uresti/West

THE SENATE HAS GRANTED THE REQUEST OF THE HOUSE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

HB 2608

Senate Conferees: Hinojosa - Chair/Ellis/Eltife/Hegar/Nichols

HB 3109

Senate Conferees: Seliger - Chair/Duncan/Eltife/Hinojosa/Uresti

THE SENATE HAS DISCHARGED ITS CONFEREES AND CONCURRED IN HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

- SB 316** (31 Yeas, 0 Nays)

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 4

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Friday, May 27, 2011 - 4

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS CONCURRED IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

SB 71	(31 Yeas, 0 Nays)
SB 76	(31 Yeas, 0 Nays)
SB 209	(31 Yeas, 0 Nays)
SB 221	(31 Yeas, 0 Nays)
SB 222	(31 Yeas, 0 Nays)
SB 385	(29 Yeas, 2 Nays)
SB 391	(31 Yeas, 0 Nays)
SB 469	(31 Yeas, 0 Nays)
SB 498	(31 Yeas, 0 Nays)
SB 663	(31 Yeas, 0 Nays)
SB 760	(31 Yeas, 0 Nays)
SB 767	(31 Yeas, 0 Nays)
SB 776	(31 Yeas, 0 Nays)
SB 803	(31 Yeas, 0 Nays)
SB 844	(31 Yeas, 0 Nays)
SB 932	(31 Yeas, 0 Nays)
SB 943	(31 Yeas, 0 Nays)
SB 981	(31 Yeas, 0 Nays)
SB 1035	(31 Yeas, 0 Nays)
SB 1048	(30 Yeas, 1 Nay)
SB 1068	(31 Yeas, 0 Nays)
SB 1170	(31 Yeas, 0 Nays)
SB 1178	(31 Yeas, 0 Nays)
SB 1179	(31 Yeas, 0 Nays)
SB 1185	(31 Yeas, 0 Nays)
SB 1234	(30 Yeas, 1 Nay)
SB 1250	(31 Yeas, 0 Nays)
SB 1285	(31 Yeas, 0 Nays)
SB 1286	(31 Yeas, 0 Nays)
SB 1422	(31 Yeas, 0 Nays)
SB 1449	(31 Yeas, 0 Nays)
SB 1546	(30 Yeas, 1 Nay)
SB 1616	(31 Yeas, 0 Nays)
SB 1649	(31 Yeas, 0 Nays)
SB 1732	(31 Yeas, 0 Nays)
SB 1810	(31 Yeas, 0 Nays)
SB 1909	(31 Yeas, 0 Nays)

Respectfully,
 Patsy Spaw
 Secretary of the Senate

Message No. 5

MESSAGE FROM THE SENATE
 SENATE CHAMBER
 Austin, Texas
 Friday, May 27, 2011 - 5

The Honorable Speaker of the House
 House Chamber
 Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS CONCURRED IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

SB 197	(29 Yeas, 2 Nays)
SB 462	(26 Yeas, 5 Nays)
SB 1000	(31 Yeas, 0 Nays)
SB 1413	(31 Yeas, 0 Nays)
SB 1733	(31 Yeas, 0 Nays)
SB 1736	(31 Yeas, 0 Nays)
SB 1760	(26 Yeas, 5 Nays)
SB 1796	(31 Yeas, 0 Nays)

THE SENATE HAS REFUSED TO CONCUR IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

SB 8

Senate Conferees: Nelson - Chair/Carona/Huffman/Patrick/Shapiro

THE SENATE HAS GRANTED THE REQUEST OF THE HOUSE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

HB 213

Senate Conferees: Lucio - Chair/Carona/Eltife/Estes/Van de Putte

HB 272

Senate Conferees: Carona - Chair/Fraser/Nelson/Nichols/Watson

HB 300

Senate Conferees: Nelson - Chair/Huffman/Nichols/Shapiro/Uresti

HB 1103

Senate Conferees: Ellis - Chair/Huffman/Lucio/Seliger/Whitmire

HB 2093

Senate Conferees: Van de Putte - Chair/Deuell/Duncan/Jackson/Lucio

Respectfully,

Patsy Spaw

Secretary of the Senate

Message No. 6

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Friday, May 27, 2011 - 6

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HCR 172

Hamilton

SPONSOR: Watson

Instructing the enrolling clerk of the house to make corrections in **HB 2643**.

THE SENATE HAS GRANTED THE REQUEST OF THE HOUSE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

HB 3246

Senate Conferees: West - Chair/Nichols/Shapiro/Watson/Wentworth

Respectfully,

Patsy Spaw

Secretary of the Senate

Message No. 7

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Friday, May 27, 2011 - 7

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HCR 166

Guillen

SPONSOR: Lucio

Commemorating the 10th anniversary of the death of John Austin Pena and the naming of the John Austin Pena Memorial Center in Edinburg.

THE SENATE HAS REFUSED TO CONCUR IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

SB 408

Senate Conferees:

SB 542

Senate Conferees: Hegar - Chair/Huffman/Seliger/Whitmire/Williams

SB 660

Senate Conferees: Hinojosa - Chair/Duncan/Fraser/Hegar/Whitmire

SB 1130

Senate Conferees: Hegar - Chair/Birdwell/Deuell/Eltife/Wentworth

THE SENATE HAS GRANTED THE REQUEST OF THE HOUSE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

HB 6

Senate Conferees: Shapiro - Chair/Carona/Duncan/Nelson/Van de Putte

HB 335

Senate Conferees: Birdwell - Chair/Ellis/Huffman/Nelson/Patrick

HB 1000

Senate Conferees: Zaffirini - Chair/Ellis/Shapiro/Wentworth/Williams

HB 1242

Senate Conferees: Harris - Chair/Estes/Jackson/Lucio/Watson

HB 1400

Senate Conferees: West - Chair/Nichols/Shapiro/Watson/Wentworth

HB 1517

Senate Conferees: Hegar - Chair/Ellis/Huffman/Wentworth/Zaffirini

HB 1560

Senate Conferees: Hinojosa - Chair/Birdwell/Jackson/Ogden/Watson

HB 2194

Senate Conferees: Jackson - Chair/Duncan/Huffman/Lucio/Van de Putte

HB 2365

Senate Conferees: Shapiro - Chair/Birdwell/Carona/Huffman/Nelson

HB 2439

Senate Conferees: Watson - Chair/Carona/Ellis/Jackson/Whitmire

HB 2770

Senate Conferees: Williams - Chair/Ellis/Jackson/Nichols/Whitmire

HB 2847

Senate Conferees: Whitmire - Chair/Hegar/Hinojosa/Huffman/Patrick

HB 2910

Senate Conferees: Zaffirini - Chair/Carona/Eltife/Watson/Wentworth

HB 3025

Senate Conferees: Zaffirini - Chair/Carona/Duncan/Watson/Wentworth

HB 3468

Senate Conferees: Shapiro - Chair/Carona/Nelson/Seliger/West

THE SENATE HAS ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

HB 3302 (31 Yeas, 0 Nays)

SB 321 (29 Yeas, 2 Nays)

Respectfully,
Patsy Spaw
Secretary of the Senate

APPENDIX

ENROLLED

May 26 - HB 254, HB 336, HB 338, HB 364, HB 371, HB 384, HB 427, HB 447, HB 452, HB 528, HB 534, HB 554, HB 577, HB 645, HB 654, HB 673, HB 692, HB 709, HB 710, HB 718, HB 737, HB 748, HB 782, HB 790, HB 807, HB 844, HB 850, HB 896, HB 961, HB 990, HB 1033, HB 1048, HB 1060, HB 1070, HB 1118, HB 1144, HB 1148, HB 1226, HB 1235, HB 1305, HB 1315, HB 1376, HB 1499, HB 1610, HB 1964, HB 2124, HB 2133, HB 2195, HB 2223, HB 2280, HB 2338, HB 2460, HB 2472, HB 2604, HB 2725, HB 2994, HB 3003, HB 3079, HB 3125, HB 3197, HB 3208, HB 3369, HB 3384, HB 3399, HB 3462, HB 3837, HB 3840, HB 3842, HB 3843, HB 3844, HB 3856, HB 3864, HB 3866, HCR 24, HCR 86, HCR 129, HCR 153

SENT TO THE GOVERNOR

May 26 - HB 33, HB 92, HB 109, HB 257, HB 260, HB 268, HB 378, HB 397, HB 530, HB 592, HB 826, HB 970, HB 1010, HB 1168, HB 1179, HB 1201, HB 1241, HB 1278, HB 1341, HB 1353, HB 1456, HB 1523, HB 1555, HB 1593, HB 1608, HB 1812, HB 1818, HB 1839, HB 1932, HB 1959, HB 2006, HB 2077, HB 2103, HB 2109, HB 2127, HB 2132, HB 2135, HB 2139, HB 2382, HB 2387, HB 2422, HB 2471, HB 2510, HB 2579, HB 2603, HB 2610, HB 2649, HB 2703, HB 2707, HB 2735, HB 2758, HB 2826, HB 2889, HB 2904, HB 2911, HB 2940, HB 2971, HB 3017, HB 3199, HB 3309, HB 3314, HB 3329, HB 3337, HB 3352, HB 3391, HB 3579, HB 3616, HB 3722, HB 3808, HB 3815, HB 3821, HB 3852, HCR 42, HJR 130

SENT TO THE SECRETARY OF THE STATE

May 26 - HCR 163, HJR 63

